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ABSTRACT

The role of the theologian in Catholic colleges and universities is among several topics addressed in 11 articles. Some authors describe how they carry out the Catholic mission in higher education, while others focus on the historical background for the attempt by the Congregation for Catholic Education to describe and mandate a universal and "ideal" Catholic university. Issues of academic freedom and institutional autonomy are addressed. In addition to an introduction by the executive director of the Association of Catholic Colleges and Universities, Alice Gallin, titles and authors are as follows: "The Catholic Church and Her Universities: A View from History" (John Tracy Ellis); "Some Aspects of Catholic Higher Education since Vatican II" (Ann Ida Gannon); "How Bishops and Theologians Relate" (James W. Malone); "A Catholic University: Some Clarifications" (Rembert G. Weakland); "Academic Freedom and the Catholic College/University" (A. Gallin); "The Usages of Freedom" (Timothy S. Healy); "The Mission of the College of Saint Benedict: Its Catholic Character" (Colman O'Connell); "Saint Michael's College: Its Catholic Character and Academic Freedom" (Paul J. Reiss); "Dissent in Catholic Universities" (William J. Rewak); "Beyond 'Dissent' and 'Academic Freedom'" (David B. Burrell); and "The Response Catholics Owe to Non-Infallible Teachings" (James L. Heft). (SW)

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TABLE OF CONTENTS

Introduction
Alice Gallin, O.S.U. 2

The Catholic Church and Her Universities: A View From History
Monsignor John Tracy Ellis 3

Some Aspects of Catholic Higher Education Since Vatican II
Ann Ida Gannon, B.V.M. 10

How Bishops and Theologians Relate
Most Reverend James W. Malone 25

A Catholic University: Some Clarifications
Most Reverend Rembert G. Weakland, O.S.B. 30

Academic Freedom and the Catholic College/University
Alice Gallin, O.S.U. 31

The Usages of Freedom
Timothy S. Healy, S.J. 35

The Mission of the College of Saint Benedict: Its Catholic Character
Colman O'Connell, O.S.B. 39

Saint Michael's College: Its Catholic Character and Academic Freedom
Paul J. Reiss 42

Dissent in Catholic Universities
William J. Rewak, S.J. 46

Beyond "Dissent" and "Academic Freedom"
David B. Burrell, C.S.C. 51

The Response Catholics Owe To Non-Infallible Teachings
James L. Heft, S.M. 54

Introduction

Catholic colleges and universities have, by definition, two distinct elements in their identity. The noun-element is that of an academic institution, known alternatively as college or university; the adjectival element is Catholic. Exploration of the way in which the elements interact has limitless possibilities, and is currently a topic of great interest on our campuses and in the media. In this issue of our journal, we present several relevant papers—some are talks given to audiences on campuses; others were prepared for delivery to national groups. It is clear that some were provoked by the draft of the *Schema* on Catholic higher education sent to us for consultation by the Congregation for Catholic Education in 1985. When we reflected on that draft and responded to it, we gave evidence of our conviction that we are both true universities and truly Catholic. Many persons in their responses described the ways in which they see themselves carrying out the Catholic mission in higher education. Others focused on the historical background for the congregation's attempt to describe and mandate a universal and "ideal" Catholic university—one which did not seem to resonate very well with the American experience.

Simultaneously, we are celebrating the 200th anniversary of the United States Constitution and the 200th anniversary of the establishment of the hierarchy in the United States. Both of these events call attention to the freedom which has enabled us to build and develop our own Catholic colleges within the pluralistic system of American higher education. Founded for the most part by religious communities of women and men, in cooperation with local bishops, our colleges and universities have become places where lay and religious collaborate on every level of governance and participation: trustees, administrators, faculty, staff, students. They are places where we can truly unite in support of a common mission.

In the report recently issued by Dr. Ernest Boyer and the Carnegie Commission for the Advancement of Teaching entitled *College: The Undergraduate Experience in America* there appears to conviction that education is greatly assisted by the presence of "community." To mediate our culture to a new generation of learners we need a living community, a place formed by the tradition and engaged in lively dialogue about its meaning. Without consciously averting to this fact, many of those who founded our colleges did so out of the strength of such a community. The presence of such a "critical mass" of persons committed to Christian values and to the Catholic tradition of learning as a means to (and not an obstacle to) the love of God may well be the most significant requirement for our colleges today.

Such a desire to create a very special environment for the promotion of genuine Catholic intellectual development does not at all suggest the imposition of Catholic doctrinal tenets on the persons who constitute the faculty and administration, nor on the students. Respect for freedom of conscience will prevent such misinterpretation of the true meaning of "Catholic" and will foster sincere ecumenical and inter-faith debates on the campus. But the quest for harmony must not lead to a lessened commitment to one's own tradition; indeed the strength of ecumenism comes from the willingness of individuals to speak from differing points of view toward a common discovery of truth.

The role of the theologian in our Catholic institutions of higher learning is addressed in several of the articles. This is a necessary point of discussion because it is the presence of faculties of theologians within our universities (rather than in separate institutes or attached to State universities) that distinguishes American Catholic higher education from that of our Catholic universities in other parts of the world. Yet it is the fact that they are hired, evaluated, promoted, and trained by the same criteria as other faculty members that has led to recent admonitions from Roman Church authorities. It is to be hoped that the ongoing discussions among our American Catholic universities and in joint meetings of bishops, theologians, and presidents will be able to arrive at satisfactory ways of dealing with tensions that are bound to arise when academic freedom and/or institutional autonomy are threatened. It makes little difference whether the threat is from the State, the Vatican, corporations and donors, or pressure groups from Right or Left. Our colleges and universities are a valuable asset for the Catholic community, but they will only remain so if they are both "free" and "Catholic" in an "American" context. Our authors help to forward the necessary dialogue on these matters and we are grateful to them for their contributions. Our next issue will contain more articles on this topic.

Alice Gallin, O.S.U.
Executive Director

The Catholic Church and Her Universities: A View From History

Monsignor John Tracy Ellis

> You will be doing the greatest possible benefit to the Catholic cause all over the world, if you succeed in making the University a middle station at which clergy and laity can meet, so as to learn to understand and to yield to each other—and from which, as from a common ground, they may act in union upon an age, which is running headlong into infidelity.[1]

In the 113 years since Newman wrote those words to George Fottrell, an alumnus of the Catholic University of Ireland, the Catholic Church as witnessed considerable progress in, so to speak, closing the gap between the clergy and laity in the academic communities that operate under the Church's auspices, a progress that has been clearly manifest in the 235 Catholic colleges and universities of the United States. It remains, however, a prime requisite in 1986 if these institutions are to prosper and to fulfill their dual responsibility to maintain the highest academic standards and at the same time preserve their distinctly Catholic character and tradition. Failure to sustain the former renders them suspect in the eyes of their American secular counterparts, a suspicion they can ill afford; failure to sustain the latter calls in question their fidelity to the truths that nurtured their origins and that have given warrant for their espousal as valid representatives of the Church's commitment to the world of learning. Parenthetically, it is to be hoped that the synod to be held in Rome a year from now on the role of the laity will lend strength to this clerical-lay partnership in a way that will enhance the laity's meaningful participation. For if the synod should fail to provide for the laity to be heard, that is, for the clergy to listen and take seriously the responsible lay voice, it may, indeed, do more harm than good in futher alienating laymen and laywomen, and thus deprive the world's Catholic community of their special talents and skills.

Monsignor John Tracy Ellis is Professorial Lecturer in Church History at The Catholic University of America. *The present paper was first delivered as an address at Immaculate Conception Seminary in South Orange, New Jersey (November 3, 1986), and later at Holy Trinity Parish, Washington, D.C. (January 21, 1987).*

[1]Newman to Fottrell, The Oratory, December 10, 1873, in Charles Stephen Dessain and Thomas Gornall, S.J. (Eds.), *The Letters and Diaries of John Henry Newman* (Oxford: Clarendon Press, 1974), XXVI, 394.

That the reconciliation of these lofty goals in the context of the Catholic university—and here I mean to include Catholic colleges and seminaries as well as institutions that bear the name of universities—has been, is, and will continue to be at times extraordinarily difficult, giving rise to occasional anguished confrontations, must, I believe, be taken for granted. True, it is a somber thought, but one that finds documentation in the Church's history in an unmistakable way. Never has there been an extended period during those nearly 2,000 years that has failed to furnish examples of what is meant, that is, a clash of minds between persons of varying views, each in his and her own way acting in what they believe to be the Church's best interests, even when they were diametrically opposed on a given question.

The New Testament affords any number of examples that illustrate the fact, such as that in the synagogue of Caparnaum when Jesus taught the doctrine that his followers must eat his flesh and drink his blood. In describing that scene Saint John remarked, "After hearing it, many of his followers said, 'This is intolerable language. How could anyone accept it?'...After this, many of his disciples left him and stopped going with him."[2] To cite an even more striking instance, when Peter and Paul met at Antioch and had their dispute over the observance of Jewish practices of the old law, Paul declared, "I opposed him to his face, since he was manifestly in the wrong."[3] Without intending to lend to this exchange at Antioch an unwarranted contemporary application, the account suggests that the conservative stance of Peter was overruled by the more open and progressive attitude of Paul.

Thus has it been from the apostolic age to our own day, and thus will it continue in one form or another to the end of time. The situation partakes of the mystery foreshadowed by Simeon when he told the Mother of the Babe in his arms, "You see this child: he is destined for the fall and for the rise of many in Israel, destined to be a sign that is rejected...."[4] Nor did the adult Christ foretell otherwise. "Do you suppose that I am here to bring peace on earth?" he asked. "No, I tell you, but rather division. For from now on a household of five will be divided three

[2]**John**, 5:59-66.

[3]**Galatians**, 2:11-12.

[4]**Luke**, 2:34-35.

against two and two against three. . . ."[5] For those who are believers these words of the aged prophet and of the Master himself have an enduring value that helps to explain the periodic conflicts that arise in Catholic university communities over the interpretation of the Church's teaching on doctrinal and moral issues.

If these words pose a genuine mystery they yet assist in the sense that they make more understandable that a final solution will not always be found in such controversial areas. Each case must be judged on its own merits with the opposing sides given open and fair hearing and investigation to enable the conflicting parties, if possible, to arrive at a settlement that will both respect the Church's teaching and at the same time give recognition to the individual's rights of expression. No one in his or her sane mind will maintain that this procedure will be other than difficult, indeed, on occasion difficult to the point of anguish; nor will a realist anticipate that the final result will fully satisfy all the contending parties. A procedure of this kind, however, is about the best that can be expected when one allows for the inevitable limitations that attend every endeavor, due to humankind's all too fallible judgment.

The Catholic Church's association with universities is a centuries-old phenomenon, marked by repeated sharp conflicts that often entailed prolonged and impassioned controversies between faculties and the local bishop, as well as occasioning disputes that involved the pope when the contending parties appealed to his jursidiction. This is not the place to attempt a summary of those conflicts that beset not only the Catholic universities of the Middle Ages but those of the modern era as well. Let the University of Paris in the lifetime of Saint Thomas Aquinas illustrate the point. When, for example, in the 1250's the newly founded mendicant friars appeared on the scene they met immediate and fierce opposition from such diocesan priest-professors such as William of Saint-Amour, Gérard d'Abbeville *et al.*, who were determined to keep the friars out of teaching posts in the university. It was only through an appeal to the pope that the friars overcame the opposition of the diocesan clergy and the Bishop of Paris.

Nor were the academic feuds at Paris in those years confined to rivalry between the diocesan clergy and the religious orders. A decade later trouble arose because of ideological differences pertaining to the espousal by Aquinas and his followers of certain teachings of Averroes who, in turn, had leaned heavily on Aristotle. To the traditionalists this was a betrayal of Saint Augustine's scholasticism which had been their principal source of inspiration. Here Thomas Aquinas paid the penalty of having introduced a new approach and occasioned a dispute that ultimately led to a condemnation of thirteen Averroist theses. Thereupon the university was thrown into such turmoil that in 1272 there ensued a suspension of all lectures and other academic activities for a period of several months.[6] Similar happenings could be cited for other Catholic universities of the medieval and modern periods, but this brief sketch of events at Paris in the mid-thirteenth century will, I hope, be sufficient to indicate the nature and lengthy history of the problem.

It is a truism that each succeeding age has its predominant ideology or ideologies, and that men and women are influenced for or against the contemporary currents of thought that swirl around them. For example, Catholics in an academic context inevitably think quite differently if their society accepts the supernatural as a prime element in their lives—as was the case in the time of Thomas Aquinas—or if they find themselves members of a society that expressly excludes religion from the public domain, leaving that aspect of life entirely to the private domain with each individual free to settle matters according to his or her conscience. Thus when Catholics in the early days of the American Republic took the first feeble steps to inaugurate a system of education on their own, their approach was conspicuously at variance with that to which Aquinas would have been accustomed in that so-called age of faith.

This fundamental fact can be exemplified by noting the emphasis in an early prospectus published by what was destined to become Georgetown University, the first Catholic college of the United States. Here is the way in which the founders of that school in 1798 envisioned its leading motivation and purpose:

> Persuaded that irreligion and immorality in a youth, portend the most fatal evils to subsequent periods of life, and threaten even to disturb the peace, and corrupt the manners of society at large; the directors of this Institution openly profess that they have nothing so much at heart as to implant virtue and destroy in their pupils the seeds of vice—Happy in the attainment of this sublime object, they would consider their success in this alone, as an ample reward for their incessant endeavours.[7]

One need not remark that today Father Timothy Healy, his Jesuit confrères, and their lay associates would hardly express Georgetown's goals in those terms. Yet, *mutatis mutandis*, that was the prevailing ideology that brought into being Mount Saint Mary's College in Emmitsburg (1808), Notre Dame (1842), and other Catholic institutions of higher learning throughout the nineteenth and early twentieth centuries.

In this regard, however, the Catholic institutions were not especially unique, for up to and beyond the Civil War most of their non-Catholic counterparts operated under much the same auspices. Student conduct was closely supervised in all American colleges where the principle *in loco parentis* was enforced. Thus among the

[5]**Luke**, 12:51-52.

[6]For a detailed account see James A. Weisheipl, O.P., *Friar Thomas Aquinas. His Life, Thought, and Work*. (Garden City: Doubleday & Company, Inc., 1974), pp. 263-292.

[7]Archives of Georgetown University, #62-9, *College of Georgetown (Potomack) in the State of Maryland. United States of America*, p. 1.

regulations governing student life at Notre Dame there was a rule in 1868 that read:

> No book, periodical or newspaper shall be introduced into the College, without being previously examined and approved by the Director of Studies. Objectionable books found in the possession of Students, will be withheld from them until their departure from the University.[8]

In an atmosphere of paternalism and an authoritarian spirit of this kind it was not surprising that the issue of academic freedom as we know it today scarcely existed either in Catholic circles or in most academic communities outside the Church. Among the latter it first appeared in the guise of religious freedom for professors who in the generation after the Civil War espoused Charles Darwin's highly controversial theories of evolution.

Evolution was a subject that remained all but a *terra incognita* among Catholics until the nineteenth century was drawing to a close. It then came to the surface when a proposal was made by Bishop John J. Keane, first Rector of The Catholic University of America, backed by Archbishop John Ireland of Saint Paul, to engage the English biologist and evolutionist, Saint George Mivart, a convert to Catholicism, for the new university scheduled to open in Washington in November, 1889. Opposition to Mivart was raised by Archbishop Michael A. Corrigan of New York, who had the support of Archbishop Patrick J. Ryan of Philadelphia, and as a consequence Mivart's appointment was set aside. A few years later when Father John A. Zahm, C.S.C., of Notre Dame published his book, *Evolution and Dogma* in 1896, he incurred censure for his Darwinian sympathies by the Congregation of the Index, whereupon Zahm quietly accepted Rome's decision, and as one biographer stated, "Thereafter he published nothing more on science or on the relations of science and religion."[9] And John Zahm was only one in a series of losses to Catholic scholarship that was to characterize the years immediately ahead, a period bedeviled by the so-called heresy of Americanism and the graver crisis known as Modernism. While Zahm took his departure from academic pursuits in a humble and submissive way, it was not without a somewhat significant observation in a private letter to his brother, Albert, also a scientist, in which he said:

> With possibly one or two exceptions among the younger priests, not one at N.D. has the faintest conception of the wants of a university, and the demands of the age in which we live.[10]

Unfortunately, that state of mind persisted in Catholic academic ranks long thereafter, and among the clergy, who then dominated these institutions, it was by no means confined to the Holy Cross community at Notre Dame.

It is not that Catholics of that time had no source from which to learn the true character of a university, for nigh to a half century before these happenings involving Mivart and Zahm a description of what constituted a university worthy of the name had been published when Newman's article entitled, "What Is A University?" appeared in 1854. His answer to the question posed in his title is as valid today as it was nearly 140 years ago. He answered the question in these words:

> It is a place . . . in which the intellect may safely range and speculate, sure to find its equal in some antagonist activity, and its judge in the tribunal of truth. It is a place where inquiry is pushed forward, the discoveries verified and perfected, and rashness rendered innocuous, and error exposed, by the collision of mind with mind, and knowledge with knowledge . . .

In my judgment, it would be difficult for the most sophisticated educational theorist of the 1980's to improve on that definition.

In all that pertains to the tangled skein of relations between ecclesiastical authority and the Church's academic communities, the historical record clearly reveals periods of relative quiet which are, in turn, succeeded by the renewal of high tension and sharp conflict. The latter have normally been induced by the rise of new concepts, such as those represented by Americanism and Modernism at the turn of the present century, by theological developments that begot Pius XII's warning encyclical, *Humani generis* in August, 1950, and by Vatican Council II from the interpretation of which emerged contrary schools of thought, the effects of which are still with us. In other words, this relationship displays an ebb and flow strongly influenced by new currents of thought championed or opposed by strong personalities on both sides, most of whom have been motivated by what they thought were the best interests of the Church.

If the result has been strained tempers, occasional angry encounters, and at times almost exhaustive combat that must be expected and patiently borne. It is a situation that has been exemplified in the ecumenical councils of the Church where the statement of the distinguished historian of the councils, the late Monsignor Hubert Jedin, can be equally applied to the Catholic universities. The assistance of the Holy Spirit, said Jedin, guarantees the decisions of a council to be free from error, but, he added, it

> does not dispense with the most strenuous efforts to arrive at the truth; on the contrary, it presupposes and demands such efforts. Truth is reached in any community by means of an exchange of opinions, by arguments for and against, that is, by means of an intellectual struggle . . . . The toll paid by human nature in the councils is the price which the visible Church has to pay for being in the midst of the human race.[11]

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[8] *Twenty-Fourth Annual Catalogue of the Officers and Students of the University of Notre Dame, Indiana, for the Academic Year 1867-68* (Notre Dame: Ave Maria Power Press Print, 1868), p. 17.

[9] Thomas F. O'Connor, "John A. Zahm, C.S.C., Scientist and Americanist," *The Americas* 7 (April, 1951), 445.

[10] Zahm to Zahm, n.p., December 12, 1897, in Ralph E. Weber, *Notre Dame's John Zahm: American Catholic Apologist and Educator* (Notre Dame: University of Notre Dame Press, 1961), p. 105.

[11] Hubert Jedin, *Ecumenical Councils of the Catholic Church. An Historical Outline* (New York: Herder and Herder, 1960), pp. 234-235.

In certain instances the conflict will have touched only a very few and will have ere long died away, as was the case with Americanism. At other times the strong and decisive action of ecclesiastical authority will have broken the opposition and brought about its demise, as was true of Modernism. Still other cases have resulted in temporary losses to scholarship when progressive and creative minds such as those of Yves Congar, Jean Daniélou, and John Courtney Murray—to name only three of several dozen who suffered punishment in the wake of *Humani generis*—were fully vindicated some years later by Vatican Council II in which they, and others of their mind, played influential and honorable roles. It is, then, a mixed picture that admits of no fixed formula or pattern of development, no more than it suggests the possibility of a ready-made solution. On the contrary, history's testimony supports the thesis that there is no precise line of action that will always apply or succeed. In one form or another the problem will be with us until the end of time, and that because of the built-in tension that has ever, and will ever, obtain between the teaching of the Church and that of the world.

Allowing for these facts, and keeping in mind the magisterium's right and duty to safeguard the *depositum fidei*, the situation calls for the highest degree of prudence, balance, and caution. Yet it does not follow that the Church is best served by an immediate stop to all discussion with each statement from ecclesiastical authority. To adopt that attitude would be equivalent to stifling all research and thus render Catholic universities devoid of their life blood. In that connection I would call attention to the article of Gerald Fogarty in *America* of October 11, 1986, where an account of the case of Henry Poels, who taught Old Testament at The Catholic University of America from 1904 to 1910, is highly instructive. In that instance a grave injustice was done to a devoted priest-professor, an instance which at the same time illustrates the enormously complicated character of these theological disputes.

Admittedly, no recourse to past events can resolve contemporary problems; but they can offer signals, so to speak, of what to avoid lest one repeat the mistakes of those who have gone before us. And here, it seems to me, we can all learn from certain respected and tested voices from the past concerning the spirit in which these delicate questions involving the policy of Catholic universities should be conducted. Permit me to quote two such witnesses whose names, I believe, bear witness to their fundamental loyalty to the Church's authority, even if on occasion they may have been in advance of their time and thus incurred censure by opponents of their views. In the course of his famous Dublin lectures of 1852 which the learned world knows as *The Idea of A University*, Newman stated:

> I say, then, that it is a matter of primary importance in the cultivation of those sciences, in which truth is discoverable by the human intellect, that the investigator should be free, independent, unshackled in his movements; that he should be allowed and enabled, without impediment, to fix his mind intently, nay, exclusively, on his special object, without the risk of being distracted every other minute in the process and progress of his inquiry, by charges of temerariousness, or by warnings against extravagance or scandal.[12]

A half century later John Lancaster Spalding, Bishop of Peoria, spoke in a similar vein in the Church of the Gesù at Rome on the topic, "Education and the Future of Religion," when he declared:

> To forbid men to think along whatever line, is to place oneself in opposition to the deepest and most invincible tendency of the civilized world. Were it possible to compel obedience from Catholics in matters of this kind, the result would be a hardening and sinking of our whole religious life. We should more and more drift away from the vital movements of the age, and find ourselves at last immured in a spiritual ghetto, where no man can breathe pure air, or be joyful or strong or free.[13]

These were strong words, to be sure, yet uttered by two churchmen who, though perhaps in advance of their contemporaries, were men whose subsequent careers proved beyond doubt their fundamental loyalty to the Church.

Does that infer that there is then no limit to dissent within the Church? It does not. To be valid, dissent must bear with it a strong measure of modesty, humility, and basic loyalty, as well as an implicit recognition that the dissenter in the end may be proven to have been wrong. I have never found the point better expressed than by Henri de Lubac in his volume of a generation ago, *The Splendour of the Church*. Thinking in terms of what he called 'the man of the Church,' he put it this way:

> Certainly, as long as the order is not final he will not abandon the responsibilities with which he has been invested by his office or circumstances. He will, if it should be necessary, do all that he can to enlighten authority; that is something which is not merely a right but also a duty, the discharge of which will sometimes oblige him to heroism. But the last word does not rest with him. The Church, who is his home, is a 'house of obedience.'[14]

It was in that sense that Pierre Teilhard de Chardin addressed the General of the Jesuits when charges had been lodged against his orthodoxy. "It is on this important point of formal loyalty and obedience," he wrote:

> that I am particularly anxious—it is in fact my real reason for writing this letter—to assure you that, in spite of any apparent evidence to the contrary, I am resolved to remain a 'child of obedience.'[15]

I confess that testimony of a similar kind from Thomas Merton to Abbot James Fox of Gethsemani, of Newman

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[12]John Henry Newman, *The Idea of A University* (New York: Longmans, Green and Company, 1923).

[13]John Lancaster Spalding, *Religion, Agnosticism and Education* (Chicago: A. G. McClure Company, 1902), p. 175.

[14]Henri de Lubac, S.J., *The Splendour of the Church* (New York: Sheed and Ward, 1956), pp. 194-195.

[15]Teilhard de Chardin to Johannes Janssens, S.J., Cape Town, October 12, 1951, in *Letters from a Traveller* (New York: Harper & Row, 1962), p. 43.

to his ordinary, William B. Ullathorne, O.S.B., Bishop of Birmingham, of John Courtney Murray to his superiors in the 1950's, and more recently of Leonardo Boff, O.F.M., the Brazilian theologian, have impressed on me the importance of this principle. It is an impression that has taken on a deeper and abiding meaning when I reflect on the sad cases of Félicité de Lamennais, of Johann Ignaz Döllinger, of Alfred Loisy *et al.* These were all men of singular intellectual gifts, scholars whose life stories have enlivened and enriched the Church's history. In that regard, most of those mentioned here measured up—if a few did not—to the Master's caution when speaking of the final judgment that awaits each one of us. He told his disciples:

> When a man has had a great deal given him, a great deal will be demanded of him; when a man has a great deal given him on trust, even more will be expected of him.[16]

In all that pertains to the relationship of ecclesiastical authority vs. academic freedom, and this is especially true in the American context, there inevitably arises the question of admittance or denial of due process. If it is given great emphasis in American institutions of higher learning, they by no means invented the concept. The central idea behind due process has an ancient lineage, aspects of which appear in the New Testament. During the course of the trial of Jesus, Nicodemus interposed and asked his fellow Pharisees, "But surely the Law does not allow us to pass judgment on a man without giving him a hearing and discovering what he is about?"[17] And years later when Saint Paul was held prisoner at Caesarea, Festus, the governor, explaining the background of Paul's case to the visiting King Agrippa, remarked concerning Paul's opponents:

> I told them that Romans are not in the habit of surrendering any man until the accused confronts his accusers and is given an opportunity to defend himself against the charge.[18]

Infringement of that principle has at times cost the Church dearly and injured her reputation for fair dealing. The nearly twenty centuries of Christian history have witnessed no diminishment in this regard; indeed, it has gained in strength and force as the concept of human rights has moved to center stage in the aftermath of World War II, during which these rights were so outrageously violated. In the light of this fact, to say nothing of her own teaching on the dignity of the human person in Vatican Council II, the Church has reason to be especially vigilant on this score. That was uppermost in the mind of John Courtney Murray when he maintained the year after the council:

> What comes to the fore today is the need that the corrective or punitive function of authority should be performed under regard for what is called in the common-law tradition, 'due process'. The demand for due process of law is an exigence of Christian dignity and freedom. It is to be satisfied as exactly in the Church as in civil society (one might indeed say, more exactly).[19]

Whether in explicit terms or by implication the concept of due process has found a place in the mounting literature on the Catholic universities in our time. It is inherent in the defense of academic freedom propounded by the Land-of-Lakes statement of July, 1967, as it has been in the more recent documents issued by the International Federation of Catholic Universities. One might wish that it would have found expression in statements emanating from the Congregation for Catholic Education, such as the proposed *Schema* for the world's Catholic universities that the Congregation circulated in April, 1985. That document, as is well known, has met with strong criticism from 100 or more presidents of the Church's colleges and universities in this country, while at the same time winning support from other Catholics in the academic community.

Given present circumstances, it is difficult to see how recurring clashes between these two schools of thought can be avoided if the idea of due process and kindred matters do not win some consideration in the thinking of Roman curial officials. True, it will not be easy to work out a compromise, but to employ a cliché, where there is a will there is a way. Any genuine compromise normally means that each side has yielded something of its ideal to its opposite. Considering what is at stake, certainly no right-minded Catholic will maintain that the effort is not eminently worthwhile. Perhaps a quiet acceptance of a *status questionis* that is less than ideal in the view of both sides may be the ultimate outcome. If so, they would have a precedent in the situation that obtained for nigh to two centuries during which Rome was not happy with the American constitutional principle of separation of church and state. Yet they forbore from insisting that American Catholics should work for a change in that regard, until finally in December, 1965, the Declaration on Religious Freedom of Vatican Council II put an end to the awkward and often embarrassing situation for, it is to be hoped, all time to come.

Let me now turn to an aspect of Catholic higher education that, in my opinion, should remain a paramount concern of every one of the 235 Catholic colleges and universities of this country with their more than half million students, as well as of the 319 seminaries with their enrollment of about 10,000 candidates for the priesthood. I refer to the perennial need to emphasize a determined effort to achieve excellence as a prime goal of every institution of higher learning worthy of the name. More than thirty years ago I raised this issue and encountered considerable opposition, although the response was in the main distinctly positive. I raise it here again, for allowing that in this regard there has been marked improvement

[16]**Luke**, 12:48.

[17]**John**, 7:51-52.

[18]**Acts**, 25:16-17.

[19]John Courtney Murray, "Freedom, Authority, Community," *America*, 115 (December 3, 1966), 740.

since the 1950's, I still believe that we American Catholics are far from where we ought to be on the scale of superior achievement in the humanities and liberal arts, areas wherein it may rightly be expected that we should make a conspicuous showing in view of the tradition which is our alleged heritage and to which we so often give rhetorical expression without the accompaniment of solid scholarly production to prove we take seriously what we affirm.

Obviously, the attainment of academic excellence is often dependent on material resources as well as on gifted minds professionally trained in their respective disciplines. Up to a generation or two ago we could plead our lack of financial strength, but that is long since gone. As I have frequently phrased it, the United States is teeming with Catholic millionaires, a fact borne out a decade ago in the findings of Andrew Greeley on average family income of non-Spanish speaking white Catholics, who were second only to the Jews and ahead of the Episcopalians and Presbyterians.[20] Today it is a truism to state that Catholics have become a prominent element in the mainstream of the national society. The fact has, I presume, something to do with the presence of five Catholic universities among the 100 with the highest endowments in the country, the five led by Notre Dame (No. 22) with over $300,000,000, with Loyola of Chicago, Georgetown, Saint Louis, and Santa Clara following in that order.[21]

The situation, however, is related to a far more basic matter than the presence or absence of financial resources, important as that aspect surely is. Parenthetically, my own *alma mater*, The Catholic University of America, has suffered grievously in that regard with an endowment of about $25 million, far excelled by a number of select secondary schools in New England and elsewhere. Were I to be asked what has been the principal deterrent to Catholic institutions achieving distinction on a scale commensurate with their number and with the more than 52,000,000 Catholics who constitute roughly twenty-two percent of the population of the Republic, I would unhesitatingly say it has been due to a pervasive lack of love of learning for learning's sake. To be sure, it is a national characteristic regardless of people's religious affiliation. Were that not so the late Richard Hofstadter could not have published his large volume entitled *Anti-Intellectualism in American Life*.[22] In that regard, alas, Catholics have been 110% American! Catholics have, indeed, made their mark in politics, the professions, and in the world of business and finance; but when one turns to the things of the mind the picture is much less impressive.

It is no recent phenomenon since it has characterized American Catholic life almost from the beginning. Thus in the year of the nation's first centennial, 1876, the leading Catholic church historian of that day, John Gilmary Shea, who by current terminology would be described as triumphalistic and defensive, went so far as to declare, "In literature, science and the arts, we have made little mark and are behind even the modest position of the country at large."[23] In the same centennial year John Lancaster Spalding maintained that external developments had "crowded out things of the mind" among Catholics, and with a forward glance toward the coming century he remarked:

> We must prepare ourselves to enter more fully into the public life of the country; to throw the light of Catholic thought upon each new phase of opinion or belief as it rises. . . . All this and much else we have to do, if our God-given mission is to be fulfilled.[24]

No single Catholic did more to promote that high ideal; yet at his death forty years later he would have been the first to admit the meager results of his lifetime campaign in behalf of intellectual excellence among his coreligionists.

It is not that Catholic Americans have not been periodically reminded of this leading deficiency in their religious community, and here no one has been more insistent and more eloquent than Professor David J. O'Brien of the College of the Holy Cross, whose stirring essay in *Commonweal* of June 6, 1986, is one of the most persuasive in furthering that cause.[25] What evidence, you may well ask, have you for your lament in this regard? I would answer, first let due recognition be given to the not inconsiderable number of Catholic men and women whose scholarly endeavors have brought honor to them and to their universities of the 1980's that far exceeds that of their predecessors of a generation ago. I believe, however, that these same men and women might well agree that when the 272 winners of Guggenheim fellowships in 1986 numbered only two from Catholic institutions, namely, The Catholic University of America and Seton Hall University;[26] that among the 123 Mellon Fellows in the humanities granted this year by the Woodrow Wilson National Fellowship Foundation only three went to Catholic institutions;[27] and that only thirteen out of 262 fellowships granted by the National Endowment for the Humanities[28]—to name only three of the principal benefactors of those majoring in the humanities and the liberal arts—Catholics can hardly maintain that we have come anywhere near to attaining the kind of rank so notably achieved by our coreligionists in politics, the professions, and the business community. I readily concede that these data do not offer complete and final proof of Catholic deficiency in this respect, but they do, it seems to me, supply sufficient evidence to prompt a serious probing as

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[20]Andrew M. Greeley, *Ethnicity, Denomination, and Inequality* (Beverly Hills: Sage Publications, Inc., 1976), pp. 27, 71.

[21]*The Chronicle of Higher Education*, XXXIII (September 17, 1986), 34. The endowment figures published here were as of June 30, 1985.

[22]Richard Hofstadter, *Anti-Intellectualism in American Life* (New York: Alfred A. Knopf, 1963).

[23]John Gilmary Shea, "The Catholic Church in American History," *American Catholic Quarterly Review*, I (January, 1876), 163-164.

[24]John Lancaster Spalding, "The Catholic Church in the United States, 1776-1876," *Catholic World*, XXIII (July, 1876), 451.

[25]David J. O'Brien, "The Summons to Responsibility," *Commonweal*, CXIII (June 6, 1986), 332-337.

[26]*The Chronicle of Higher Education*, XXXII (April 23, 1986), 8, 10.

[27]*Ibid.*, XXXII (April 2, 1986), 12.

[28]*Ibid.*, XXXII (March 19, 1986), 8-9.

to why 235 Catholic institutions of higher learning have made so relatively slight an impact in the nation's academic community.

Closely related to the achievement of academic excellence and distinction is the imperative of scholarly integrity. No exercise or activity in the academic world that makes unreal pretensions on the part of institutions or individuals can add any abiding honor to reputation or good name. The recent rash of colleges calling themselves universities, without the qualification for such, sails dangerously close to that defect. Fortunately, with the exception of several Catholic institutions involved in serious athletic scandals, the Church's universities in this country have in good measure been free of the mounting instances of fraud that have tainted the good name of some American universities. It was a point forcefully made by Jaroslav Pelikan in his splendid essay of 1983. He there spoke of the confidence that scholars must have in one another, and of the confidence that others are entitled to repose in them and in the integrity of their work. "Therefore it is almost impossible," he said, "to exaggerate the damage that can result from a breach of trust . . . it can tarnish the entire cause of objective investigation and undermine the credibility of research . . . ."[29]

For the foreseeable future the task of the Catholic universities of the United States and of the world will be an exacting and trying experience. Granted the obstacles that lie ahead, they are not insuperable and can be overcome by a dedication to the ideals that brought these universities into existence in the first instance. Those ideals were spelled out by Pope Paul VI in November, 1972, when he received the delegates of the International Federation of Catholic Universities and spoke in words that have lost none of their value in the intervening years. On that occasion the pontiff declared:

> The specific testimony expected of a Catholic university . . . is to show concretely that intelligence is never diminished, but is on the contrary stimulated and strengthened by that inner source of deep understanding which is the Word of God, and by the hierarchy of values derived from it . . . In its unique way, the Catholic university contributes to manifesting the superiority of the spirit, which can never, under pain of being lost, agree to put itself at the service of anything other than the search for truth.[30]

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[29]Jaroslav Pelikan, *Scholarship and Its Survival: Questions on the Idea of Graduate Education* (Princeton: The Carnegie Foundation for the Advancement of Teaching, 1983), pp. 60-61.

[30]Pope Paul VI, "New Tasks for Catholic Universities," *The Pope Speaks*, 17 (1973), 356.

Some Aspects of Catholic Higher Education Since Vatican II

Ann Ida Gannon, B.V.M.

Last June, on receiving the invitation to address the Catholic Commission on Intellectual and Cultural Affairs I was immediately attracted by two of the questions proposed for consideration: "How has the situation in American Catholic Higher Education changed since Monsignor Ellis sparked the debate on Catholic intellectual life in the mid-fifties?" and "How has the situation changed since the academic freedom and Catholic identity issues first emerged in the 1960's?"

Since I had been active in Catholic higher education as professor or administrator during the periods involved and had followed both topics with personal and professional interest, I decided to address those two questions. My file is full of correspondence and articles, my bookshelves witness to the abundance of material which has been published on those subjects, and my experience with many of the current generation of faculty and students indicates that often much of the history which throws light on discussions of the 1980's is either not known or not valued. It is strange for those who lived through the heady period of the Second Vatican Council to realize that such documents as *Lumen Gentium* and the *Declaration on Religious Freedom* are little more than footnotes to many Catholics today.

This paper, then, is a retracing of a journey through a period of extraordinary changes in the church and culture. For the most part, I have let the details speak for themselves with the hope that something of the spirit which brought us to this point in history may be recaptured by those who read them. The pioneer will know how much has been omitted; perhaps those who come upon the details for the first time will seek out some of the lengthier treatments referred to in the notes. My own experience in traveling this road once again has been to reawaken in me an awareness of the leadership exerted by Catholic administrators and scholars who, inspired by the spirit of Vatican II, blazed the trail. I am also aware that the journey has only begun.

In 1953, the Proceedings of the fiftieth annual meeting of the National Catholic Educational Association included interesting reflections on past achievements of the colleges and universities as well as some forecasts of the future. The closing resolutions reflect a sense of progress and security:

> Graduate schools have realized and achieved distinction. Universities have strengthened their faculties and curricula. Colleges have expanded in number, capacity and excellence...Accreditation has become a matter of course. Membership in professional and learned societies, sustained research, scholarly publications mark the quality of Catholic education mothered by this Association. Representation on national and international boards and committees indicate the Americanism of its members.[1]

Among the challenges listed were: "the fight against godlessness and secularism...the challenge to find a leading place for the laity in our growing educational pattern, the challenge for national and regional planning to make the best use of our resources and to avoid unnecessary and selfish duplication..."[2]

The Bulletin also included a report on a study sponsored by the Association of American Colleges on the nature of the Christian college, a topic which continued to be of major concern throughout the following decades. Existing attitudes toward change among these colleges were expressed in one quotation from a report of a meeting at Berea: "The crust of custom is so thick on the curricular pie and the slavery to the accustomed pattern of life is so unquestioned that it seems impossible to think in fresh terms and to prepare for leadership as a Christian in the modern world."[3] That curst was to be broken, in fact crumbled, before the end of a decade.

Two years later, in 1955, John Tracy Ellis challenged Catholic educators in his address to this organization. The text, published in *Thought*, provoked discussion

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Ann Ida Gannon is Professor of Philosophy and Archivist at Mundelein College. Her paper was presented at the Annual Meeting of the Catholic Commission on Intellectual and Cultural Affairs, held at Fordham University, October 25, 1986.

[1] *NCEA Bulletin*, Vol. L (August, 1953), p. 29. There is a "quaint" aspect to this identification of Americanism. For many contemporary faculty and students the problem of the Americanism of Catholics is ancient history—a history they know little about. James Hennesey, S.J. (*American Catholics*, Oxford U. Press, 1981) provides an excellent study of the question.

[2] Ibid., p. 31.

[3] Ibid., p. 243.

across the country. Ellis documented the failure of Catholics to achieve prestige in American intellectual life, to establish a strong Catholic intellectual tradition or to even appreciate the vocation of the intellectual. Catholic institutions betrayed each other, he said, in the establishment of competing graduate schools, senseless duplication of effort, perpetuation of mediocrity and a ghetto mentality.[4] His talk ended, however, on a hopeful note:

> There has, indeed, been considerable improvement among American Catholics in the realm of intellectual affairs in the last half century, but the need for more energetic strides is urgent if the receptive attitude of more contemporary thought is to be capitalized upon as it should be. It is therefore a unique opportunity that lies before the Catholic scholars of the United States.[5]

Even while this challenge was being read in *Thought*, Ellis' friend John Courtney Murray, S.J., was being advised by his Jesuit superiors to end public statements on church-state relations because of the opposition which his writings had incurred from Cardinal Ottaviani and the Holy Office (furthered by the attacks of Joseph C. Fenton, editor of the *American Ecclesiastical Review*). Commenting on the intellectual climate of the time, Pelotte wrote in his work on Murray:

> By the end of 1954 the move to silence Murray and anyone else showing any kind of creativity was well underway. Such an attitude only helped to reinforce the ghetto mentality so abhorrent to Catholic liberals here in the U.S. . . .It was not that Pius XII disregarded completely the necessity to open up the Church to modern day developments, as was the case with Pius X . . .rather he was fearful that things would get out of hand if he supported new trends.[6]

The attitude of Murray's superior can be judged by an excerpt from his Provincial's letter: "I suppose you may write poetry. Between harmless poetry and the Church-State problems what fields are taboo I don't know. We'll try to keep out of controversy for the present."[7] A few years later he wrote again: "I really think you must wait . . .and not expose yourself by trying to hasten it. In the end what is correct in your stand will be justified. Meanwhile be content to stay on the sidelines unless the hierarchy force you to play; deepen your own position and be ready with your solution approved when the opportune time comes . . .That is not coming in the present Roman atmosphere."[8]

The election of Pope John XXIII in 1959, followed by his announcement of a second Vatican Council—an idea which came to him like "the sudden flowering of an unexpected spring"—seemed to promise an "opportune" time. Murray had continued some of his writing and in the spring of 1960 Sheed and Ward published his book *We Hold These Truths* which defended the natural affinity between religious liberty as understood in the United States and traditional Catholic doctrine. Timed to appear before the presidential election, the book is credited with furthering the success of John F. Kennedy. Murray's picture was on the cover of *Time* in a December issue and *Newsweek* wrote: "Murray demonstrated in theory what John F. Kennedy demonstrated in practice: that Americans and Roman Catholicism need no longer fear each other." Fenton's review critically observed that Murray's thesis was contrary to Papal teaching.[9]

For our purposes, one insight into the impact of the Council may be gained by reflecting that Fenton hoped that the Council would "present a clear and exact statement of God's supernatural revealed message" and thus check the onslaught of Modernism and Liberal Catholicism represented by such theologians as Murray. He was one of the ten American *periti* at the first session of the Council (as personal adviser to Cardinal Ottaviani) whereas Murray was "disinvited".[10] In the spring of 1963, Murray was one of four "progressive" theologians who were barred from student-sponsored lectures at The Catholic University of America. However, about the same time he was invited by the Cardinal Secretary of State (urged on by Cardinal Spellman) to be a *peritus*. His decisive influence in the drafting of the *Declaration on Religious Freedom* is a matter of history. Fenton resigned as editor of the *Ecclesiastical Review* the following January—the long feud was at an end.[11]

It would be difficult to include all of the ways in which the Council influenced Catholic higher education. The Declarations on Religious Freedom and on Christian Education, the Decrees on Ecumenism and on the Apostolate of the Laity, had a strong impact. *The Pastoral Constitution on the Church in the Modern World*, which provided a challenging blueprint for the future, is most frequently quoted in studies of the changes in the colleges and universities. However, for this occasion, I have chosen to concentrate on *Lumen Gentium*, the Dogmatic Constitution on the Church, because in this document is

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[4]Pp. 374-5, *Thought*, Vol. 30, pp. 351-88. Reprinted in *Catholicism In America*, ed. P. Gleason (New York: Harper and Row, 1970), pp. 115-132.

[5]Ibid., p. 388.

[6]Donald E. Pelotte, S.S.S., *John Courtney Murray, Theologian In Conflict* (New York: Paulist Press, 1975), p. 51.

[7]Ibid., p. 53.

[8]Ibid., p. 59. Pelotte writes later: "In retrospect, McCormick's insistence in his 1958 letter to Murray that he wait quietly until the "opportune time" would arrive and the "present Roman atmosphere" had changed seems almost prophetic. The opportune time had come and Murray was ready with a more clarified and refined position to renew the debate in a climate more acceptable to what he was saying." (p. 174.)

[9]Ibid., pp. 76-77. See also footnote 124, p. 73; pp. 172-3.

[10]Ibid., pp. 108-9. Footnote 28 deals at length with this topic.

[11]Ibid., p. 173. In his introduction to the *Declaration on Religious Freedom*, Murray wrote: "It was of course, the most controversial document of the whole Council, largely because it raised, with sharp emphasis, the issue that lay continually below the surface of all conciliar debates—the issue of the development of doctrine. The notion of development, not the notion of religious freedom, was the real sticking-point for many of those who opposed the *Declaration* even at the end. The course of the development between the *Syllabus of Errors* (1864) and the *Dignitatis Humanae Personae* (1965) still remains to be explained by theologians. But the council formally sanctioned the validity of the development itself; and this was a doctrinal event of highest importance for theological thought in many other areas." *The Documents Of Vatican II*, Walter M. Abbott, S.J., General Editor (New York: Herder and Herder, 1966), p. 673.

found the profound change in describing the nature of the church which affected the whole thrust of the Council.[12]

Up to this time in modern history the Church had stressed her nature as Rock—strong, stable, unchanging, enduring attacks, a pyramid with control based on juridical power—and the average Catholic, with little interest in ecclesiology, was comfortable with certitude based upon this concept. The change expressed in *Lumen Gentium* did not immediately strike home; many of the faithful saw only the visible changes and not the new theology of the Church (or, more accurately, the return to an earlier ecclesiology). For others, however, the open, often heated debate at the council, the strong dependence on scripture in the document and the determined efforts to arrive at consensus in the course of its development clearly showed the work of the Holy Spirit.[13]

The Constitution moved from a first version which emphasized the Church's hierarchical organization to a final text which began with the Church as mystery, sign, community, manifesting her inner life through many images. The final version began not with the church's institutional organization and hierarchical structure but with the primary reality of her relation to Christ and the unity of mankind through Christ. The Church was identified as sacrament or sign of intimate union with God and of the unity of all mankind; she is the *instrument* for the achievement of such unity; she is a People made one with the unity of the Father, the Son and the Holy Spirit. Further, she is not yet the perfected kingdom but the "initial budding forth of the Kingdom", a church which "slowly grows", strains toward the consummation of the kingdom with all her strength. She "shows forth in the world the mystery of the Lord in a faithful *though shadowed* way". With an enriched understanding of the traditional doctrine of the Mystical Body, *Lumen Gentium* stressed the role of Christ as Head—it is He who brings all people together so that they constitute his Body in a mystical way.[14]

On this base is built the second chapter, the People of God which further highlights the communal aspect of the Church. The heritage of the Church is the dignity and freedom of the sons of God in whose hearts the Holy Spirit dwells; its law, the new commandment of love as Christ loved us; its goal, the kingdom of God which will be brought to perfection at the end of time. All the faithful share in a common priesthood:

> Though they differ from one another in essence and not only in degree, the common priesthood of the faithful and the ministerial or hierarchical priesthood are nonetheless interrelated. Each of them in its own special way is a participation in the one priesthood of Christ. The ministerial priest by the sacred power he enjoys, molds and rules the priestly people. For their part, the faithful join the offering of the Eucharist by virtue of their royal priesthood. They likewise exercise that priesthood by receiving the sacraments, by prayer and thanksgiving, by the witness of a holy life and by self-denial and active charity.[15]

The faithful also share in Christ's prophetic office: "The body of the faithful as a whole, anointed by the Holy One cannot err in matters of belief...when from the bishops down to the last members of the laity it shows universal agreement in matters of faith and morals".[16]

Clarifying the concept of the People of God in his commentary on this Constitution, Congar states that "a *people* is more than a collection of individuals without any organic link with one another...it is a stable and structured group united for the purpose of attaining the same good."[17] The notion of *mission* is a strong consequence of being the People of God, consecrated to know him and be his witness. It is this sense of community and mission, stressed in the first two chapters of this Constitution, that *Gaudium et Spes* developed more concretely: the Church is called to not only preach the word and celebrate the sacraments but also to serve human needs in society and culture; social, political, economic, scientific areas are also proper areas for her influence. Furthermore, this service is not merely a preparation for the teaching of the Gospel but is itself directed to a transformation of the world.[18]

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[12]This is stated very well by Albert C. Outler in his "Response" to *Lumen Gentium*: "There are at least two decisive reasons why the Dogmatic Constitution on the Church may rightly be regarded as the masterpiece of Vatican II. In the first place—and strange as it may seem—this is the first full-orbed *Conciliar* exposition of the doctrine of the Church in Christian history...Thus the Constitution on the Church is important both in its own right and also as the *Fundamentum* of the other fifteen documents of the Second Vatican Council—all of these rest back on the Constitution on the Church as their foundation and each of them in one degree or another, provides significant development for one or another of its major motifs. This emphasis on the church and her renewal for mission in the world is what gave Vatican II its most distinctive character as a Council." Abbott, op.cit., p. 102.

J. Bryan Hehir ("The Unfinished Agenda", *America*, 11/30/85) writes: "For the issue of freedom within the church the key resources lie in Vatican II's Dogmatic Constitution on the Church. The presentation of the Church as the People of God, a charismatic community directed toward service of the larger human community set a different tenor for the freedom/authority relationship..." (p. 392.)

[13]The development of this Constitution was discussed at length at the post-conciliar conference at Notre Dame. Sessions IV, V, VI, and VII considered various aspects: its history (Moeller), its relation to the Fathers (deLubac), the Church as mystery and sacrament (Philips), as People of God (Congar), its hierarchical structure (Colombo) and others...

[14]Abbott, *Lumen Gentium* #8, pp. 20-2; #5, p. 18.

[15]Abbott, *Lumen Gentium* #10, p. 27.

[16]Abbott, *Lumen Gentium* #12, p. 29.

[17]Yves M.J. Congar, "The People of God," in *Vatican II, An Interfaith Appraisal* (Ntore Dame: University of Notre Dame Press, 1966), p. 199.

[18]Richard P. McBrien stated this idea in more detail in an address to the ACCU (2/3/81): "A third major theological development at the Second Vatican Council is the principle that the mission of the Church includes service *(diakonia)* to human needs in the social, political and economic orders, as well as the preaching of the Word and the celebration of the sacraments. This principle is especially set forth in *Gaudium et spes* and is reiterated in more abbreviated form in other documents of the Council. The principle supplants the pre-Vatican II notion of 'pre-evangelization,' wherein such service is, or may be, a necessary preparation for the preaching of the gospel (evangelization), but is not itself essential to the Church's mission in the same way as the preaching itself or the celebration of the sacraments. This may have been the most important ecclesiological change noted by the Council: namely, the move away from the idea that the mission of the Church is composed entirely of word and sacrament to the idea that the pursuit of justice and the transformation of the world are a constitutive dimension of the preaching of the gospel." ("The Idea of a Catholic University", printed in *National Catholic Reporter*, March 27, 1981).

This approach to the Church's image of herself influenced many aspects of Catholic life; higher education was one of them. The call to dialogue with others of good will, the challenge to cooperate in developing and understanding modern culture, the move from a juridical view of the church to that of People of God with an emphasis on the importance of the role of the laity in the mission of the church—these and many other ideas flowing from the Council documents had a strong impact on Catholic colleges and universities. Being Catholic took on new dimensions and could not be easily measured by certain "practices". The relation of the Catholic colleges and universities to the Church was placed, not in a juridical context but in one of a community bound together by a relationship of trust, collegial exchange and dialogue.[19].

It would be an oversimplification of the forces influencing development in the following years to ascribe them only to the Council. Many other influences were shaping culture and Catholic higher education during this period; among these were the impact of Federal funding, the *Horace Mann* and the *Tilton v. Richardson* cases, the civil rights movement, the woman's movement, the emergence of the laity and the dwindling in the number of clerics and religious.[20] However, most important for this review is the influence exerted by the spirit and documents of Vatican II, and some responses to it.

Those responses appeared in many quarters. In 1963, Professor Marston Morse of the Princeton Institute of Advanced Studies joined with Maritain, Dawson, Carleton Hayes, Murray and others to prepare a study of the role of Catholic higher education for submission to some archbishops.[21] The report stated that the "reaction in Catholic academic circles to Monsignor Ellis' blunt accusation was overwhelmingly in agreement". The overall purpose of the document was "to provide an institutional basis for the Catholic participants in the great dialogue with other men of good will to which Pope John has summoned the Catholic world, a dialogue only beginning which will need institutional structures to give it shape and form." After listing five purposes of a Catholic college and the pressing need to improve scholarship in the church, it concludes:

> The scattered efforts of Catholic scholars have relatively little impact on the dominant tone of the main secular universities. The character of the college is largely set by institutional characteristics. . . Individual Catholic efforts are more or less absorbed by the prevailing spirit of a secular institution. If the need for Catholic influence on secular education is to be met, the means taken must achieve the concentration of effort and benefits of collaboration. They must wear the armor of an institution.

In 1964, the College and University department of the NCEA, recognizing the challenge of the Council, established an advisory committee under the chairmanship of Paul Reinert, S.J., to supervise a study of the nation's Catholic colleges and universities with the help of a grant from the Ford Foundation's Fund for the Advancement of Education.[22] The conclusions of the study (published in 1968) identified needs which were to be of continuing concern in the coming decades: adequate financing, the role of religious orders, the nature of the Board of Trustees, lay/religious and institution/hierarchy relationships, more formalized planning.[23]

Many of the administrators who were interviewed in the course of the study stated that the emphasis of Vatican II on the unity of the people of God and the basic responsibility of all to work in a common effort had generated interest in dialogue and renewal: "The Second Vatican Council has impelled Catholic educators to undertake an intensive re-examination of its implications for both the future form and function of Catholic institutions of higher learning." They expressed the opinion that problems of academic freedom, of strained relations between faculty and students or faculty and administration were often caused by inaccurate or uncommunicated concepts of the nature of a Catholic institution and the rights and duties of various groups within the institution.[24]

A major issue recommended for continuing study was the necessity of developing a precise and operative definition of each institution in the light of documents from Vatican II.[25]

The press found the ferment on Catholic campuses

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[19]Yves M.J. Conger, op.ct., pp. 199-200. Congar states: "Vatican II has eliminated juridicism in more than one way. In particular the Council gave a sacramental, ontological foundation to the powers of the hierarchy (the episcopate) and to the apostolic mission itself (priesthood apostolate of the laity). One of its most decisive steps in this direction was the chapter on the People of God . . ."

[20]In an interesting article on the history of the principle of academic freedom, Philip Gleason wrote: "It is true of course, that Vatican II and the spirit of *aggiornamento* have had a powerful impact on all American Catholics who are intellectually alert, and one may hope that includes academic men and women as a group. Nonetheless, I think that the Council is the catalyst rather than the cause of the intellectual ferment so characteristic of the Catholic academic scene today. That might be debated. What is certain is that intellectual changes independently underway in Catholic higher education prepared fertile soil in which the new ideas and spirit of post-Johannine Catholicism could flourish." (Notre Dame *Alumnus*, May, 1967, p. 19).

[21]The quotations are taken from a mimeographed text sent to me by Professor Morse. I have not seen references to this in print but I think that it is important in that a group of scholars took this private initiative and stressed the importance of institutional commitment.

[22]Charles E. Ford, and Edgar L. Ford, *The Renewal of Catholic Higher Education* (National Catholic Educational Association, Washington, D.C., 1968) p. vii-viii.

[23]Ibid., pp. 1-27. One comment might be especially appropriate for this paper: "An area of considerable mystery to those unfamiliar with the Catholic Church and of even more mystery to Catholics themselves, according to interviewees, is that of the relationship between a Catholic bishop and the Catholic colleges and universities in his diocese, particularly those controlled by exempt orders. . . There is no question that considerable attention needs to be given by Catholic higher education to the establishment of better communication and understanding between the hierarchy and the institutions." (p. 14).

[24]Ibid., p. 21.

[25]Ibid., p. 20-27. "The first reason for the need of definition within Catholic Higher Education comes, therefore, from the Catholic Church itself through the documents of the Vatican Council . . ." (p. 24).

worthy of headlines. One article from *Look* (April, 1966) is a good example. Entitled "The Time Bomb in Catholic Education" it stated:

> In the end, the crisis at St. John's, like other clashes with authority which are becoming commonplace in the American Catholic Church, is best understood as one of the less happy consequences of Vatican II and its *aggiornamento*, or updating. The Council has called for change in almost every area of Catholic life. It has offered thrilling new ideas of freedom and lay participation and new understandings of the concepts of authority and obedience. But the Council wrought its revolutionary changes on the level of idea and theory. The forms and structures of the Church remain essentially the same.
>
> The working out of new forms and relationships is the Church's major task today and from the evidence coming in the task will be accomplished only with great effort and, it seems, pain.[26]

In 1966, also, the report of a study initiated by the Danforth Foundation in 1962 was published. It examined the status of all church-related institutions.[27] Among other facts it pointed out that from the faculty point of view "the central problem of Christian higher education is: How can a college do justice to its avowed purpose as a Christian institution, a purpose which carries with it a commitment to a set of beliefs, and at the same time maintain the freedom of inquiry which most academic people think is necessary for good education? This is a dilemma that every college, whether religiously oriented or not, ultimately faces." It continues: "The chief obstacle to accomplishing this reconciliation is the tendency of many people to treat commitment or freedom as absolute, thus making them mutually exclusive in an educational setting. Wise administrators and mature teachers know how to avoid this pitfall."[28]

Speaking to the National Catholic Educational Association in April, 1966, Manning Patillo delivered the same message:

> Catholic institutions need to develop better guidelines for the maintenance of freedom...In my judgment, this is the most urgent problem facing Catholic higher education today...I see no way in which Catholic institutions will be able to avoid the challenge of theological questioning in the next few years.[29]

The problem was addressed in various ways in the following months. At Notre Dame the executive committee of the local chapter of AAUP planned a symposium on academic freedom; the resulting papers were issued in a volume *Academic Freedom and the Catholic University* in 1967 and the Notre Dame *Alumnus* magazine published versions of some of the articles with an introduction which stated: "Academic freedom in all its forms has come under extensive fire in recent years...Today, most alumni accept the fact that the university—more than ever before—should be a community of free scholarly inquiry. But more than that, alumni must know the problems inherent in the issue of academic freedom and understand their ramifications..."[30]

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[26]Richard Horchler, "The Time Bomb in Catholic Education", *Look*, Vol. 30, #7, April 5, 1966, p. 24.

The article quotes Rosemary Lauer's view that churches and universities don't mix, that the trouble lies with the "organization". He suggests that the incompatibility lies not between freedom and the Church, but between freedom and a church identified essentially with its hierarchy... Later in the article he comments: "The final paradox of this situation is that in the judgment of Catholic educators who have moved farthest in response to [the changes] it, the real crisis for Catholic education lies far beyond clericalism, lay control, freedom or even academic excellence. What haunts them is the thought that even if Catholic schools are able to solve their problems in these areas, they will have only brought themselves face-to-face with another which is: Why should Catholic colleges exist at all?" (p. 25).

On October 11, 1966, the Federation of Regional Accrediting Commissions of Higher Education (later to become a part of the Council on Postsecondary Accreditation) unanimously adopted a statement on institutional integrity which included the statement: "The maintenance and exercise of such institutional integrity postulates and requires appropriate autonomy and freedom... put negatively, this is a freedom from unwarranted harassment which hinders or prevents a college or university from getting on with its essential work... Intellectual freedom does not rule out commitment; rather it makes it possible and personal. Freedom does not require neutrality on the part of the individual nor the educational institution... All concerned with the good of colleges and universities will seek for ways to support their institutional integrity and the exercise of their appropriate autonomy and freedom..." (*Bulletin* of the American Council on Education, Vol. XV, #38, pp. 6-7).

[27]Manning M. Patillo, Jr. and Donald M. Mackenzie, *Church Sponsored Higher Education In The United States*. Report of the Danforth Foundation, American Council on Education (Washington, D.C., 1966).

[28]Ibid., pp. 204-5. The history of the acceptance of academic freedom in Catholic institutions is relatively short: "Before the 1960's there was a widespread feeling among college and university educators in general and among Catholic leaders in these fields that the Catholic institution of higher education was incompatible with the full or absolute academic freedom existing in American institutions of higher education. Some non-Catholic educators accepted the Shavian dictum that a Catholic university is a contradiction in terms. Sidney Hook affirmed that academic freedom does not exist in Catholic institutions... From the Catholic side before 1960 there was also general agreement that full academic freedom could not exist in Catholic institutions... The incompatibility between Catholic colleges and full academic freedom was accepted as a matter of course... In the 1960's great changes occurred. Catholic scholarly organizations began to endorse the 1940 Statement..." (Charles Curran, "Academic Freedom: The Catholic University and Catholic Theology," *Academe*, April, 1980, pp. 127-8).

For a survey of attitudes toward autonomy in Catholic institutions see, J.T. Ellis, "A Tradition of Autonomy?", in *The Catholic University, A Modern Appraisal*, Neil G. McCluskey, Ed. (Notre Dame: University of Notre Dame Press, 1970), pp. 206-270.

[29]Patillo, "The Danforth Report and Catholic Higher Education," mimeographed copy of the address delivered at the 63rd Annual Convention of the NCEA, April 13, 1966.

He also noted: "The Second Vatican Council has encouraged a new spirit of freedom and constructive criticism. This is reflected in student and faculty attitudes. The place of the lay faculty member is a particularly vexing problem that is coming more and more to the fore in many institutions... the composition of the Board of Trustees in Catholic institutions is another question receiving new attention... The common practice in institutions conducted by religious communities of having boards composed of religious superiors and senior members of the staffs of the institutions is being widely questioned..."

[30]The Notre Dame *Alumnus*, May/June, 1967, p. 15. The introductory article asked:

> Can there be academic freedom in a church-related college or university? Our answer is "yes." The further realization of this possibility depends on a careful understanding of religious commitment as demanding—not the continual reformulation of a predetermined "truth" but—free and open inquiry in all areas of scholarship..."

See also, *Academic Freedom And The Catholic University*, Edward Manier, John W. Houck, Eds. (Notre Dame: Fides Press, 1967).

Murray began the last article published before his death, ("Freedom, Authority, Community", *America*, 12/3/66) with the words: "Some people today speak of a 'crisis of authority' in the Church; others speak of a 'crisis of community'...Vatican II did not create the crisis; its roots are deep in the past. But the Council brought the crisis into the open." Considering freedom within the Church, he continued:

> Even the essential Christian experience of obedience to the authority of the Church—is it not somehow to be an experience of Christian freedom in the evangelical sense? This is the question not directly touched by the Council which now commands serious theological consideration in the light of the doctrine of the Council and of its spirit—indeed in the light of the Council itself as a splendid "event of freedom" in the ongoing life of the Church.[31]

He spoke in a similar vein at the post-conciliar conference held at Notre Dame:

> I believe that the problem of freedom within the church is one of the theological implications of the *Declaration on Religious Liberty*...Having declared religious freedom in the civil and religious order, we've got simply to face up to the problem of freedom within the church. I see no reason why, *mutatis mutandis* the principles of the *Declaration* itself, notably the dignity of man and that there be as much freedom as possible and only as much restriction as necessary, should not also be valid within the church as well as within civil and social society.[32]

Writing in the issue commemorating the twentieth anniversary of the *Declaration on Religious Freedom*, J. Bryan Hehir analyzed the reasons why Murray had not tried to extend the *Declaration* itself to the inner life of the church:

> He maintained this position for reasons of both principle and tactics. Tactically, Murray was convinced that the crucial objective for the council was to clear the air in a definitive manner about Catholic convictions on the right of religious freedom for everyone... To enter the question of freedom within the church would have meant expanding the agenda and, perhaps, losing the possibility of clarifying in principle the basic question that the world had put to the Catholic Church. In addition, Murray argued as a matter of principle that the questions of freedom in civil society and freedom in the Church were quite distinct issues. There was undoubtedly a relationship between them, but the mode of argumentation had to be analogical. One could not simply apply the same concepts to the two issues without further clarification.

Commenting further on Murray's article, "a tightly designed dissection of Catholic teaching on freedom from Pope Leo XIII through Vatican II", Hehir continued:

> It took from Leo XIII to Vatican II to recast the Catholic argument on religious liberty, and Murray saw a similar dynamic at work on the question of ecclesial freedom. Vatican II developed the content of the Catholic perspective on freedom and authority by shifting the context of the theological argument. For the issue of freedom within the church, the key resources lie in Vatican II's *Dogmatic Constitution on the Church*. The presentation of the Church as the people of God, a charismatic community directed toward service of the larger community, set a different tenor for the freedom/authority relationship. To use Murray's summary of the shift from Leo XIII to Vatican II: "In contrast, Vatican II comes to the notion of the church as society through the notion of church as community. Authority therefore, stands, as it were, within the community, as a ministry to be performed in the service of the community...the functions of Christian freedom emerge into new clarity, in themselves and in their relationship to the corresponding functions of authority. The new clarity radiates from the notion of the church as community, now made newly luminous."[33]

If these and other discussions and publications on academic freedom provide evidence of the interest which the topic aroused in the United States, the extended dialogue between the International Federation of Catholic Universities and the Sacred Congregation for Catholic Education is an excellent example of the spirit with which the discussion was carried out world-wide. Rereading the various documents which were issued by Cardinal Garrone, the Prefect of the Congregation, the statements which emerged from various meetings and the history of the dialogue as it is described in various ways by McCluskey, Henle and Hesburgh,[34] one captures something of the new spirit in the Church—a spirit which reflects the openness and the patient search for consensus so visible at the Council—and a new awareness of the diversity which characterizes the church universal.

In 1949, Pius XII had established the Federation of Catholic Universities with a juridical relation to the Congregation of Seminaries and Universities. World-wide, seventy-one universities were members (since the role of colleges in the United States was not recognized, they were not eligible for membership). An early attempt was made to require **all** Catholic universities to be canonically

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[31]*America*, December 3, 1966, p. 734.

[32]John Courtney Murray, S.J., "The Declaration on Religious Freedom," in *Vatican II, An Interfaith Appraisal* (Notre Dame: University of Notre Dame Press, 1966), p. 581.

[33]J. Bryan Hehir, "The Unfinished Agenda", *America*, November 30, 1985, pp. 387, 392. Also in that issue is an article by Charles M. Whelan, "The Enduring Problems of Religious Liberty", which analyzes Murray's development of ideas in *We Hold These Truths*. Considering the development of Murray's thought he writes: "Murray recognized a perennial polarity between freedom and authority in the church but he believed that the tension could be made healthy and creative... At the heart of Murray's views on religious freedom lay his extraordinary grasp of the meaning of the freedom of the act of faith... respect for this freedom animated his dealings with others." (p. 372).

[34]I have used many sources for details in the development of this dialogue: my own files which include documents from the Congregation, NCEA materials, various articles from the period. Neil G. McCluskey's *The Catholic University, A Modern Appraisal*, published in 1970, covers the period from 1965 to the first congress of elected delegates and includes the texts (with participants) of the 1967 Land O'Lakes statement, the Kinshasa document of 1968 and the Rome statement of the 1969 Congress. The articles written by two others who also participated in the discussion were most helpful: "Catholic Universities and the Vatican" (*America*, 4/9/77) by R.J. Henle, S.J. and "The Vatican and American Catholic Higher Education," (*America* 11/1/86) by Theodore M. Hesburgh, C.S.C.

erected in the manner common to most countries. Hesburgh describes the situation:

> We had a constitution that put us entirely under the control of what was then called the Congregation of Seminaries and Universities (in that order!). We were constantly being told that only Catholic universities with a pontifical charter were true Catholic universities. Everything was seen from a strictly juridical point of view. *De facto* was a victim of *de jure*.[35]

Hesburgh was elected President of the Federation in 1963; for various reasons, the Congregation invalidated the election and announced a plan to establish a special commission to rule the Federation for the next three years. Appealing directly to Pope Paul VI, Hesburgh was able to have the election of officers confirmed and also obtained approval of a new constitution which established the Federation as a voluntary self-governing association independent of the Congregation. Meeting in Tokyo in 1965, the Federation adopted as its theme for the next triennial meeting the exploration of the nature and role of the Catholic university.[36]

The first preparatory discussion in the United States occurred in July of 1967 at Land O'Lakes, Wisconsin. Here a group which included administrators, bishops, some Roman authorities and some laymen (no women) produced a formal summary of their discussion, the first Land O'Lakes Statement. The College Newsletter of the National Catholic Educational Association published it under the heading: "Statement on Autonomy and Academic Freedom," identifying it as a preliminary discussion paper limited to the treatment of universities (not colleges) in preparation for the 1968 IFCU meeting.

The statement on autonomy was clear and forthright:

> The Catholic university today must be a university in the full modern sense of the word with a strong commitment to and concern for academic excellence. To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities.[37]

The statement also listed the distinctive characteristics of a Catholic university: it "must be an institution, a community of learners or a community of scholars in which Catholicism is perceptibly present and effectively operative." The operative presence is to be achieved by a group of scholars in all branches of theological disciplines "essential to the integrity of the university." Interdisciplinary dialogue is encouraged and the university is seen as the "critical reflective intelligence" of the church—carrying on a continual examination of all aspects of the church and objectively evaluating them.

Simple and straightforward the document might have been, but at the Kinshasa meeting in 1968 when it was discussed together with documents prepared by three other regions, it was faced with strong opposition from those who considered the statement on autonomy and freedom to be "outlandish" and "dangerous". Some granted that perhaps in the American milieu such attitudes might be necessary but questioned if such institutions could be truly "Catholic"; "the apologetics of Trent often seemed to clash with the ecumenism of Vatican II."[38]

The group was so divided that a committee was established to discuss the problems. They discovered that the understanding of many terms, especially autonomy, differed widely from country to country. They submitted a draft to the assembly which was amended again to omit the statements on autonomy and freedom and on the optional ways of manifesting institutional commitment.[39]

Many left the meeting discouraged; one happy outcome, however, was the effort undertaken by Cardinal Garrone, Prefect of the Congregation, who, on January 10, 1969, sent a questionnaire to all Catholic universities "concerning their *aggiornamento* in the light of the Second Vatican Council". The questions included some that had surfaced at the IFCU Kinshasa conference: What is the place of non-Catholic professors and students in a Catholic university? What should be the role of the laity in the direction of the Catholic university? What can or should be the relation of the Catholic university to the local bishop, the episcopal conference or to the Holy See relative to its establishment, approval or governance?[40]

With the questionnaire was sent an invitation for the universities to elect delegates for a meeting in Rome (the first of its kind) with representatives from the Congregation. In April, 1969, thirty-nine delegates from 22 countries assembled in Rome. McCluskey wrote:

> As at Kinshasa, here began a mutual education which bared the same astonishing differences in educational philosophy. It likewise became increasingly clear why serious misunderstandings between Vatican bureaucracy and certain American Catholic universities in the area of academic freedom were simply inevitable.[41]

Three commissions worked on the final paper. The report of Commission I opened with an introduction that

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[35]Hesburgh, op.cit., p. 247.

[36]Ibid. p. 248.

[37]*NCEA College Newsletter*, Vol. XXX, #1 (9/67) p. 3. (Also reproduced in McCluskey, op.cit., pp. 336-41. McCluskey and John Walsh, CSC coordinated the plans for the meeting.

[38]McCluskey, p. 9. "True autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself" was a huge morsel to swallow for a number of the assembled brethren whose philosophy of education was shaped in a more traditional context. Speaker followed speaker to warn (frequently in Latin) against the "false" autonomy or "absolute" autonomy and to defend the need of the Catholic university to depend on the magisterium of the Church."

[39]McCluskey, pp. 10-12. A doctoral dissertation at Catholic University in 1936 (Sister M. Angelica Guinan, *Freedom And Authority In Education*) provides an interesting insight into the roots of misunderstanding of autonomy. Tracing the principle of Liberalism as embodied in the Declaration of the Rights of Man which championed liberation from church and all other forces which hampered man's freedom, she shows its influence on early higher education in the United States.

[40]McCluskey, p. 14. See also, *Document De Travail, Position Pater*, (Typis Polyglottis, Vaticanis, 1969). The preliminary observations concerning the nature of the document provide a brief history of the process to date. (pp. 6-7).

[41]McCluskey, p. 15.

indicated the world-wide need for re-examination: "The university world of today is characterized by a general and profound dissatisfaction with its professed functions and goals: the pursuit of truth." Among the reasons identified was: "Everywhere, but especially in developing countries there is a feeling that a new age has begun. The age of unquestioning subservience, of colonial dependence has passed. The times demand the assertion of individuality, the development of the personality, the exercise of an inalienable right to equality of opportunity and status . . .".[42]

Commission III dealt with three points which had been of major concern in earlier discussions: the essential characteristics of a Catholic university, the different kinds of Catholic universities, autonomy and ecclesiastical relationships.

> Since the objective of the Catholic university, precisely as Catholic is to assure in an institutional manner a Christian presence in the university world confronting the great problems of contemporary society, the following are the essential characteristics:
>
> 1. A Christian inspiration not only of individuals but of the community as well.
> 2. A continuing reflection in the light of Christian faith upon the growing treasure of human knowledge.
> 3. Fidelity to the Christian message as it comes to us through the Church.
> 4. An institutional commitment to the service of Christian thought and education.

In the light of earlier discussions, a most important statement followed:

> All universities that realize these conditions are Catholic universities whether canonically erected or not. The purposes of the Catholic university can be pursued by different means and modalities according to diverse situations of time and place, and taking seriously into account the different natures of the disciplines taught in the university.[43]

In recognizing that there are different kinds of universities the text stated that: "It would be futile to attempt a univocal approach to the contemporary challenges and problems of our institutions of higher learning . . . two basic categories can immediately be discerned: those institutions which have a juridical bond to Church authority in one form or another and those which do not."[44]

The section on "Autonomy and Ecclesiastical Relationships" included part of the statement from the Land O'Lakes document and carefully described the philosophical and theological principles which bear upon the meaning of autonomy it expressed:

> The Catholic university today must be a university in the full, modern sense of the word, with a strong commitment to and concern for academic excellence. To perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom. Nor is this to imply that the university is beyond the law: the university has its own laws which flow from its proper nature and finality.[45]

The delegates accepted the final document without dissent and left the Congress with a sense of achievement. The following October, the plenary session of the Congregation considered the Rome document, added their observations and submitted them to the Pope for approval. Cardinal Garrone circulated this 1969 Rome Statement to all colleges and universities, inviting comments:

> The present document which ensued as a result of this work by the delegates constitutes the first part of a dialogue between the Congregation and Catholic Universities. The Congregation intends to submit this document to the next Plenary Assembly of its members (43 Cardinals and Bishops) for intensive study; in the light of the recent ecclesiastical documents: The Dogmatic Constitution *Lumen Gentium*, the Decree *Christus Dominus;* the Pastoral Constitution *Gaudium et Spes;* the Declaration *Gravissimum educationis;* the Allocution of H.H. Paul VI to the International Congress on the theology of Vatican II, October 1, 1966; the document elaborated by the Synod of Bishops on the Magisterium, 1967. The conclusions of the Assembly will subsequently be communicated to the Universities with a view to continuing the dialogue under the most favorable conditions of frankness and reciprocal confidence.[46]

Something of the time-consuming nature of the dialogue which followed is evidenced in the letter from Cardinal Garrone (May 10, 1972) which submitted a new text for discussion. The letter listed the many steps that had been taken in collaboration with the presidents in the preparation of this 1972 "Grottaferrata" document. In referring to the 1969 text from the first Congress he writes:

> The document that resulted from this meeting was placed under study by the Cardinals and Bishops, members of the Plenary Assembly of the Sacred Congregation for Catholic Education, who praised various aspects of the work done by the delegates and who en-

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[42]*Position Paper*, p. 17.

[43]Ibid., p. 12.

[44]Ibid, pp. 12-3.

[45]This long section covers pp. 13-16 in the English translation and discusses A) The autonomy of the university with two subheadings: I. Philosophical and theological principles relating to the Autonomy of the University, and II. Practical Considerations: B) Pastoral Concerns which refer to the special kind of community which Catholic institutions form within a diocese.

[46]*Position Paper*, p. 6. McCluskey (op.cit) discussed this Assembly at great length (pp. 15-23). He described the end of the meeting: "there was a certain nervousness among congregation officials about the publicity the document might gain but objection disappeared after it was agreed that its nonofficial nature would be stressed. There was a sense of achievement among the delegates as they prepared to return to their own countries, but any elation they might have had was tempered by the almost certain surmise that sections of their work which treated of relationships to church authority would be unacceptable to most of the forty-three cardinals and eight bishops who were to meet in October for the plenary session of the congregation. The important advance, however, was that Vatican officials had begun to listen . . . Moreover, the new leadership of the Congregation for Catholic Education had demonstrated a genuine desire for dialogue . . ." (p. 22).

couraged a continuation of the joint work between the Congregation and the Catholic universities with a view to improving the text of the document in a subsequent meeting.[47]

Then the Cardinal lists the cooperative activities that had taken place in considering the text: his meeting with the executive Council of IFCU in January, 1971 which recommended a symposium to set out the points to be discussed at the general meeting; the symposium in May, 1971 confirming the need to have another meeting of delegates as a continuation of the 1969 Congress; the planning of regional meetings in the fall of 1971 to discuss the 1969 document.

Each of three regional meetings sent a document (identified by the place of the meeting: Land O'Lakes, Caracas, Grottaferrata) to the Congregation, which considered all three but directed its chief comments to the Grottaferrata document. In February, 1972, the Council and the Committee of IFCU met again at Grottaferrata to discuss these comments of the Congregation and to revise the document to reflect some of those views and return the statement to the Congregation:

> This text the Congregation has again subjected to a careful study making use of the opinions of various experts and proposing certain observations, especially about the serious and delicate problem of the relationship of freedom of teaching and research on the one hand and of the responsible role of the magisterium of the Church on the other.[48]

This text was circulated with the announcement of a second Congress of elected delegates for November, 1972 to discuss the revised Grottaferrata document. The Cardinal describes the spirit of the work:

> The fine definition of a Catholic University set out in the text constitutes not only a fundamental and permanent reference for a resolution of the particular problems which are present in the context of the document; it expresses above all the goal to be pursued, the common and final object of the labor and the will of all, that is, the progress of the truth of the faith and the reign of Christ . . .The position and the mission of members of the universities and those of ecclesiastical authorities are different but serve the same end. Therefore, naturally the accent will not be placed on the same point by both sides: a university can be legitimately jealous of its freedom, needed in research for instance, and authority, on its side can be legitimately concerned not to be impeded in the exercises of its serious responsibilities in matters of faith. Each must understand and accept the point of view of the other and not be amazed or irritated at certain matters. A compromise is not what is treated of here, but a collaboration that is trusting and generous from which will come a complementary relationship.[49]

Five pages of observations from the Congregation were submitted with the February Grottaferrata text. In general the Congregation praised the effort: "The outcome, namely a reformed and enriched text, indicates a desire, on the part of all concerned, to promote the Catholic University in the historical and cultural situation of today, difficult and complex under so many aspects." It refers to one of the chief problems:

> The Project also attempts to take more fully into consideration the problem of the relationship between the Catholic University and the Ecclesiastical Magisterium. It should not be surprising, however, if in a matter so delicate and difficult, the Sacred Congregation, on its part, thinks that some deeper consideration is still needed.[50]

The "consideration" dealing with this section ("The Relationship with the Hierarchy of the Catholic Church") involved a revised text of two and a half pages.[51]

These and other comments were discussed by the Second Congress which met in Rome in November, 1972. Henle describes the spirit of the meeting:

> The second congress was remarkable for its candor and frankness, for the sincerity and determination of its discussants and for its complete openness and freedom. There were even some violent moments in the arguments. Much of this frankness was made possible by the cordial communications of Cardinal Garrone, prefect of the Sacred Congregation for Catholic Education, and the delegates and the expert chairmanship of Herve Carrier, S.J., then the president of the federation. No one could possibly say that he or she was denied full freedom of expression or that any relevant topic was summarily suppressed.[52]

A major outcome of this meeting was the establishing of a joint committee of representatives of the National Conference of Catholic Bishops and of presidents of Catholic universities to continue the spirit of collaboration in the United States.

At the conclusion of the Congress, the delegates asked that the text be publicized without any censorship or revision. The document, *The Catholic University in the Modern World*, was mailed to all Catholic institutions from Cardinal Garrone's office before it was reviewed by the Congregation; a special issue of the NCEA *College Newsletter* (March, 1973) published the complete text (with a brief historical background).

On April 25, 1973 the Cardinal wrote once more to the heads of the Catholic institutions notifying them that the Plenary Assembly of 37 Cardinals and Bishops had met and approved the document and that on April 6, 1973 the Holy Father had approved their actions.

The Congregation made three major observations: 1) The Fathers praised the delegates for the improvement in the document but noted two lacunae: the necessity for each institution to set out formally its character and com-

[47] *Sacra Congregatio Pro Institutione Catholica*. Prot. N. 1511/68, Rome, 5/10/72, p. 1. McCluskey comments: "The responses given in the Results of the plenary session are friendly and sincere, tactful and intelligent, pastoral and paternal. Happily gone is the old tone of condemnation, reproof, and threat. Unhappily, on the critical issues of autonomy and academic freedom, the responses are in direct opposition to the position paper unanimously adopted by the delegates to the Rome Congress." (p. 23).

[48] Ibid., p. 2.

[49] Id.

[50] *Observations* of the Sacred Congretation for Catholic Education on the Project of the Document prepared by the Council and the Committee of the Interntional Federation of Catholic Universities during the meeting held at Grottaferrata-Rome (February 3-5, 1972) (#3).

[51] Id.

[52] Henle, op.cit., p. 317.

mitment as "Catholic" and "the necessity for every Catholic university to create within itself appropriate and efficacious instruments so as to be able to put into effect proper self-regulation in the sectors of faith, morality and discipline". 2) The document should be considered as "a whole" especially in the areas dealing with autonomy of teaching and research. Institutions with no statutory bonds to ecclesiastical authority are not removed from "those relationships with the ecclesiastical authority which must characterize all Catholic institutions." 3) The Fathers offered their "cordial gratitude to the Catholic universities for the enlightened dedication with which they give so much to the Church and to society as a whole..."[53]

Hesburgh later wrote that the document was reasonably effective: "because while it did not fully satisfy either the university world or the Congregation, we came to a reasonable agreement regarding what a Catholic university is, both *de jure* and *de facto*, and managed to spell out a relationship between universities and Catholic hierarchy that assured academic freedom and institutional autonomy on our part and due consideration for the preservation of Catholic orthodoxy on their part."[54]

This 1972 Document settled some important points which had been under discussion throughout earlier meetings: the diverse types of Catholic institutions were recognized (#14); the long disputed question of juridical relation to the Vatican was settled in favor of recognizing existing varieties:

> While every Catholic university's fidelity to the Christian message as it comes to us through the Church involves a recognition of the teaching authority of the Church in doctrinal matters, nevertheless different institutions have different relations to ecclesiastical authority, since these have been determined and conditioned by many different historical and national situations. [They]...are no less Catholic, whether by a formal, explicit commitment on the part of their founders, trustees or faculty, or by their implicit tradition of fidelity to Catholicism and their corresponding social and cultural influence. (#15)

For the first time, the role of undergraduate colleges and other special types of institutions was recognized (#18). Most important, from the viewpoint of the questions posed at the beginning of this paper, was the recognition of the proper role of autonomy and freedom in the university, the type of autonomy recommended in the Tokyo Conference in 1965; the text listed the areas involved: Juridical, Academic, Administrative, and Financial, and closed with the statement: "The exercise of autonomy entails special obligations, and presupposes a high degree of responsibility on the part of all university personnel..." (#20-21).[55]

The section on "Relations with the Catholic Hierarchy" highlights the service to the Church provided by Catholic institutions, a hope for encouragement and support from the hierarchy and the need to maintain a "delicate balance" between the autonomy of the university and the responsibilities of the hierarchy. It takes note of the Church's rights vis-a-vis the university and looks especially at the dialogue between the theologian, the hierarchy and the magisterium:

> They must be free to question, to develop their hypotheses, to search for more adequate interpretations and formulations, to publish and defend their views on a scholarly level, and to study theological sources, including pronouncements of the teaching Church, with the full freedom of scholarly research. (#56)

Recognizing that it has not always been easy to reconcile the rights of Catholic scholars to academic freedom and the responsibilities of the hierarchy in matters of doctrine, the document makes specific recommendations in regard to interventions by hierarchical authority:

> There is a delicate balance to be maintained between the autonomy of a Catholic university and the responsibilities of the Hierarchy. ...This new dimension, namely the doctrinal authority with the right and duty to safeguard orthodoxy, creates a complicated and delicate situation by reason of the convergence of two sources of knowledge: revelation, a divine gift to be carefully protected, and science, the fruit of human reflection and research...(52)
>
> This dialogue between theologians and the Hierarchy demands truth and sincerity from both parties, in a mutual love of Christ and a common desire to hand on His saving message. (54)
>
> History shows us that it has not always been easy to reconcile the rights of Catholic scholars to academic freedom with the rights and responsibilities of the Hierarchy in matters of doctrine. Without in any way pretending to offer a complete solution to this complicated problem, we make the following statements in the conviction that it is of vital importance to the universities and to the whole Church that the respective limits of these equally undeniable rights be clearly delineated. (57)[56]

In his thoughtful reflection on the document, Henle expressed hope that "the 1972 Roman document should be regarded as a finalization of basic positions at least for the foreseeable future" and that continued exploration of theory would be carried on through collaboration of the hierarchy and educators in each country (rather than with the Vatican). He sketched a strategy for future cooperation which included a suggestion that "The Sacred Congregation should frankly accept the principle that truly Catholic universities need not be juridically or obe-

[53]*Sacra Congregatio Pro Institutione Catholica*, Prot. N. 1511/68, Rome, 4/25/73, pp. 1-2.

[54]Hesburgh, op.cit., p. 248.

[55]*The Catholic University In The Modern World*, Congress of Delegates of the Catholic Universities of the World, Rome, November 20-29, 1972. English, xeroxed, translation from the Congregation. Also printed in *College Newsletter*, Vol. 35, N. 3, 3/73. References are to the numbered sections of the document.

[56]This whole section is an important part of the ongoing dialogue. It states that hierarchical authority should intervene only when "the truth of the Christian message is at stake" and that the statutes of the university and accepted academic procedures should be respected (#58). The form of intervention should vary according to the type of Catholic institution involved and self-regulation by peers is recommended as a first step with no juridical intervention by the hierarchy unless statutory relationships permit it. (#59) It closes with a hope for fruitful dialogue and collaboration between university personnel and the bishops.

diently dependent on ecclesiastical authority", and that the Sacred Congregation should not publish any document, any *"normae"* that appear to be official directives to the universities. He also expressed the opinion that the congregation "should maintain a close and cordial relationship with the universities through informed contact with educational leaders and joint committees" and makes further suggestions for mutual cooperation.[57]

The final version of the document had not yet been circulated when *Commonweal* published an article by John Tracy Ellis: "American Catholicism in an 'uncertain, anxious time'" (April 27, 1973). After discussing the confusion and uncertainty that "now bedevils the Catholic community" he suggested a partial explanation:

> While the genuinely informed Catholic teacher never explicitly taught that the Church had an answer to every question, often the atmosphere that prevailed in Catholic schools from kindergarten to university was conducive to that assumption on the part of most students...Lacking an emphasis on the mystery that is involved in much that pertains to one's religious beliefs, students and mature Catholics alike were prone to rest content with the teacher's or the catechism's ready answers as quick and comfortable solutions to their religious problems. When...there broke on Catholic consciousness the unsettling fact that the Church did not have answers to all questions, that there are questions to which no human source can supply an answer, confidence in the Church's reliability began to crumble...[58]

Returning to the theme of his 1955 essay he noted that although there has been some progress, many of the problems he had identified still persisted. In addition, he now had further concerns: the decline in the number of colleges, of seminaries, and of students enrolled in them posed a threat to the continued existence of many institutions. Of even greater concern were the need for greater understanding of the relation between institutional autonomy and the role of the magisterium, and the demand for renewal of fidelity to Catholic commitments on the part of many universities:

> I am not concerned, however, with the "agonizing reappraisal" that these constant and rapidly changing circumstances are forcing on schools of every level, Catholic and non-Catholic alike. It is rather with the relationship of the former to the Church under whose auspices they first came into existence and with which their history has identified them, a problem of at least equal seriousness to that of the uncertainty of university enrollment and finance...Allowing for the haunting problems connected with finance and declining student enrollments, however, the sequence of events has seen a shift in these institutions' emphasis in the 1970's to a more precise focus on their character as educational enterprises that have traditionally been affiliated with the Catholic Church...Thus since the close of Vatican II a series of happenings in American Catholic university circles has pointed more and more toward the necessity for working out an understanding or accommodation of some kind between those who represent the Church's magisterium, chiefly the bishops, and those who speak in behalf of university autonomy, mainly faculties and administrators. Here, parenthetically, is where the document drawn up in Rome in November, 1972 may prove helpful...[59]

Ellis was troubled by the "schizophrenia" in Catholic university communities "by reason of the claims made by their dual allegiance to religious faith and to academic autonomy" and ascribes it in part to "a reluctance to face frankly and openly the institution's religious commitment."

> The...universities must, it seems to me, move with dispatch toward a clarification of their position as institutions that will reflect, respect, and if need be, defend that minimum of essential truths without which they can scarcely in honestly call themselves Catholic universities...In conclusion, may I suggest for those Catholics who still care, and their number is legion, that they recapture the vision of their religious belief by reading again Newman's "The Second Spring" where a renewal of hope and courage awaits them in the timelessness and universality of that unique churchman's perception of the faith in sorrow and in joy, in prosperity and in adversity.[60]

The concern for "identity" continued to be a topic for discussion in the various articles and discussions which took place in these years.[61]

The dialogue on freedom and autonomy also continued. In June of 1975, Cardinal Garrone once more approached the colleges and universities to request them to comment on a new document which was to be addressed to canonically erected institutions. In response to the troubled query about the impact of the proposed statement on colleges and universities in general he assured those institutions, in January, 1976, that this new document did not apply to "the generality of Catholic universities as such nor those seminaries which have not been canonically erected into Faculties". The Association of Catholic Colleges and Universities prepared a national response addressed to the Congregation and published it in April, 1976.

This position paper, "The Relations of American Catholic Colleges and Universities with the Church", addressed itself to the specific nature of American Catholic institutions. The tone of the document was set in the Foreword:

> It is not intended to be a final description but only a current assessment of a dynamic relationship. It is therefore the latest effort to enrich the on-going discussion of the role filled by Catholic institutions in the community of faith which is the Church. Although this document is not final, it is neither timid nor tenta-

[57]Henle, op.cit., p. 319.

[58]*Commonweal*, p. 179.

[59]Ibid., p. 181-2.

[60]Ibid., p. 184.

[61]The literature abounds in examples of the search for definition and identity. A few examples can be cited: *NCEA College Newsletter*, Vol. 35, 6/73; Herve Carrier, S.J., "Does the Church Really Need Catholic Universities?"; *Origins*, Vol. 4, #33, 2/6/75; Archbishop Bernardin, "What Can the Church Expect from Catholic Universities?"; *Momentum*, 75th Anniversary issue of NCEA, October 1979; John F. Murphy, "Catholic Higher Education in the U.S., the Janus View". Issues of the *Newsletter* of the NCEA during this period carried many articles on this topic.

tive. It strongly affirms the commitment American Catholic educators have to their Church and to their independent colleges and universities.

The paper summarized the variety and number of Catholic institutions, gave a clear description of the legal structures and accreditation procedures which affect them and described Catholic identity in terms of service to society and the Church, theological studies, leadership in ecumenism and similar activities. It listed major concerns (survival, public support, constitutional law issues, Catholicity). The section on "Relationship with the Church" addressed the role of the bishops (and acknowledged the support of American bishops), the types of relationships—with adverse comments on the notion of a juridical relationship in the American context—and the loyal and supportive attitudes of the institutions:

> We hope that it is evident that it is precisely our loyalty to the Church and our dedication to its doctrine that leads us to prefer a relationship of service to a juridical relationship with the official Church as the recommended way to relate Church to university and college in the United States at this point in our history...Inappropriate control and supervision procedures could weaken if not destroy the very institutions which are seeking to strengthen their unique service to the Church and American society.

The position paper closed with an appeal to the Congregation to recognize "our knowledge of how to administer Catholic institutions in the context of the American system of higher education and in close collaboration with the American Bishops."[62]

In the meantime, canon law was undergoing revision for the first time since 1917. In 1977–8 the first draft of the revision (the portion affecting Catholic higher education) was circulated to Catholic colleges and universities for comment. Once more, the Association of Catholic Colleges and Universities established a process for research and dialogue. A special sub-committee of canon and civil lawyers met with the Executive Committee to assist them in analyzing the relevant canons, a new section of the Code entitled: "Concerning Catholic universities and other institutions of higher studies." The summary of their discussion was sent to Cardinal Garrone, to all United States Catholic colleges and universities and to the General Secretary of the United States Catholic Conference/National Conference of Catholic Bishops. The Bishops and Presidents Committee reviewed and endorsed ACCU's position. The office of the USCC/NCCB sent a copy to Rome with other comments of the American bishops on the proposed Code.[63]

When IFCU met for its regular meeting in August of 1980, therefore, ACCU arranged for a meeting to discuss two major topics: the relevance of *Sapientia Christiana* (issued by Pope John Paul in May of 1979) to universities in general and the proposals for the revision of canon law.

The apostolic constitution, *Sapientia Christiana*, which established norms for ecclesiastical universities and faculties, ranged over such areas as academic freedom, ecumenical programs, and details for the treatment of the rights and duties of faculty and students. It required that the statutes of each institution be submitted to the Congregation for approval, that those teaching disciplines concerning faith and morals must receive a "canonical mission" from the chancellor of the university, and that to achieve the highest tenured rank a candidate must have a *nihil obstat* from the Holy See (#27).[64]

Some of its provisions raised concern among members of the IFCU. Cardinal Baum, Cardinal Garrone's successor, was represented by the Subsecretary, Monsignor Marcisano at the session presided over by the Chair of the ACCU Board of Directors, Monsignor Frederick McManus, who presented the report of his Board. Later, in October, 1980, Marcisano sent a letter restating the fact that *Sapientia Christiana* did not apply to "Catholic Universities" and that:

> Our Congregation is well aware of the special situation regarding the Catholic university in the United States of America. We are certain that none of our interventions would ever prejudice its activity since it is the wish of this Congregation to help and sustain those whose work is not easy but most important in education at the level of the College or University.[65]

However, on the issue of canon law, the Congregation stated that this was not their concern but was that of the Commission on Canon Law.

The ACCU report to IFCU on the canons relevant to Catholic colleges and universities, noting that these canons are distinct from those on ecclesiastical faculties, questioned the need for the new canons since ACCU "has already taken the position that the ministry of higher education in the Church can best be achieved as a part of the Church's mission without the development of juridical or canonical bonds." It objected especially to two proposed canons in the 1977 version:

> #59: No university may bear the name "Catholic university," unless it has been erected by the Apostolic See or by the conference of bishops or has been granted this name by the Apostolic See or by the Conference of Bishops.
> #64: Those who, in any kind of institute of higher education, give courses in theology or courses related to theology require a canonical mission.[66]

After explicitly developing reasons for objecting to these two, the report continues: "The Board of our Association sees this external intervention in the appointment of teachers as perilous to the academic integrity and the civil

[62]*Occasional Papers on Catholic Higher Education*, "Relation of American Catholic Colleges and Universities with the Church", Position Paper of the College and University Department, NCEA, Vol. II, 1, April, 1976.

[63]"*State of the Question...Revision of Canon Law*," Memorandum, Alice Gallin, O.S.U. Executive Director, ACCU, 2/27/81. This memorandum provides a resume of activities from 1977 to 1981, includes in Appendix A, a report of the consultation with canonists in 1978 and, in Appendix B, the Report submitted to IFCU in 1980, with a copy of the 1980 revision of the relevant canons.

[64]The text of *Sapienta Christiana* is printed in *Origins*, Vol. 9, #3, 6/7/79, pp. 33, 35-45.

[65]Quoted in ACCU Memorandum, pp. 1-2.

[66]Memorandum, Appendix B, pp. 1-2.

and academic recognition of our institutions...In point of fact the Catholic purposes of our institutions have been substantially strengthened in recent years...precisely because we have avoided the development of formal juridical bonds with church authorities."[67]

Discussion continued in the United States. In the fall of 1980, a new schema of Canon Law was circulated; the Bishops and Presidents Committee, with the help of canon lawyers and the Executive Committee of ACCU agreed upon a position paper which recommended certain amendments and deletions to the proposed code. This report was sent to Cardinal Baum and in January of 1981, the Executive Director of ACCU, Alice Gallin, O.S.U. and the Chair of the Board, Monsignor McManus met with Cardinal Baum in Rome to discuss the serious impact of the proposed canons on American Catholic higher education. The Bishops and Presidents Committee and the ACCU Board reviewed the matter in February.[68]

In November, 1980, the American bishops issued their pastoral, *Catholic Higher Education and the Pastoral Mission of the Church*, which opened with an expression of gratitude and esteem for those in this ministry and recognized the enormous importance of Catholic institutions. The bishops acknowledged that the pastoral dimension is only one aspect of Catholic colleges and universities and referred with approval to the 1972 statement of the Congress of Delegates as well as the 1976 ACCU response to the proposed text for *Sapientia Christiana*, noting that the response: "describes how Catholic colleges and universities function in the American context. This pastoral message need not restate all that in detail but it does reaffirm the intellectual importance of Catholic colleges and universities in the modern world".[69]

The Bishops dealt in great detail with the identity and mission of the institutions, the importance of the liberal arts and theology in the curriculum, and the relation of theologians and bishops:

> Bishops and the theological community share a mutual but not identical responsibility to the Church...Conscious of our different roles in the Church, and also of our mutual responsibilities, we seek a fruitful cooperation with theologians...We encourage the universities to develop ways which will bring bishops and theologians together with other members of the Church and the academy to examine theological issues with wisdom and learning, with faith and with mutual charity and esteem. We shall all need to recall and to work for that "delicate balance...between the autonomy of a Catholic university and the responsibilities of the hierarchy." There need be no conflict between the two.[70]

The pastoral closed with an appeal for support of Catholic higher education and commended "all who are undertaking the renewal of Catholic higher education as part of the renewal to which the Holy Spirit through the Vatican Council has called the whole Church."

Progress toward dialogue, mutual relationships and understanding seemed assured after the publication of the bishops' pastoral. The Bishops and Presidents Committee, established after the Second Congress, continued to serve as a helpful liaison for furthering the kind of mutual support suggested in the pastoral. But the proposed canons continued to raise issues which had seemed to be settled by the long dialogue which had culminated in the 1972 document: juridical relations to the Church, proper autonomy, academic freedom.

However, some of the influence of that dialogue in the United States was evident in the new *Code of Canon Law, a Text and Commentary* commissioned by the Canon Law Society of America which was published in 1985. Chapter II of Section III on the "Teaching Office of the Church" (cc807-814) included a long introduction—the text of a memorandum drawn up by McManus in August, 1983 and circulated by ACCU to all Catholic college presidents. The article restates the distinctive nature of American Catholic institutions and their collaborative relations with church authorities. It continues:

> The question of the applicability of the canons to the Catholic colleges and universities in the United States has other important facets:
>
> First, it is evident that the canons are designed for systems of higher education in situations considerably different from those in North America...The Catholic institutions in the United States in order to satisfy the nature and purpose of higher education, follow the distinctive American pattern...This pattern differs so greatly in style of academic governance and in cultural and social dimensions from the European system of higher education that it is seriously questionable whether the canons are indeed applicable in the United States.
>
> A second and related element is the purpose of Canons 810 (#2) and 812 which seek to assure the integrity of Catholic teaching. The historical background of such legislation, and specifically the background of "canonical mission"...is found in nineteenth century efforts to protect the Church's teaching office and the freedom of teachers of theology from the hostile interference of civil states and secular political control. To the extent that this is the purpose of the law, it has no application at all in the United States...
>
> Still another, and third, consideration has already been suggested by the absence of formal juridical ties—in most instances—between the American post-secondary institutions and church authorities. The revised Code of Canon Law has refined the definition of institutions which are considered as having juridical personality at canon law, namely, as subjects of canonical rights and obligations (see c.113 #2)...None of the Catholic colleges and universities would be considered a public juridical person...In other matters, also, even apart from the canons on Catholic higher education, the institutions are not touched directly by canon law...The aforementioned considerations are sound and have led some to the conclusion that the canons are inapplicable to most American institutions of higher education.[71]

[67]Ibid.

[68]Memorandum, p. 2.

[69]*Catholic Higher Education and the Pastoral Mission of the Church* (Washington, D.C.: United States Catholic Conference, 1981), p. 3.

[70]Ibid., pp. 7-8. The quotation from the 1972 Document was appreciated by those who had worked so hard to draft it!

[71]*The Code of Canon Law, A Text and Commentary*, Commissioned by the Canon Law Society of America, J.A. Coriden, T.J. Green, D.E. Heintschel, Ed. (New York: Paulist Press, 1985), pp. 571-577.

McManus is careful to point out that such a position does not "diminish either the need to examine the canons carefully or the significance of the ministry of higher education within the Church . . . this does not contravene in any way the right to academic freedom which the canons expressly uphold in accord with the explicit teaching of Vatican II (cc809, 218)"[72]

Some of the commentaries on the canons in this section reflect the continuing concern of American institutions:

> (On #808) It is difficult to imagine very many Catholic colleges or universities in the United States requesting the permission suggested in this canon. Most such institutions are already confident in their Catholic identity. And the canons do not have retroactive effect; an institution which used "Catholic" in its title before November 27, 1983 is not subject to the new provision.[73]
>
> (On #810) In treating of the appointment and removal of teachers in Catholic colleges and universities in paragraph one the revised code *canonizes* the statutes of the institution. It respects the legitimate autonomy of each academic setting . . . Earlier drafts of the second paragraph provided that bishops could remove teachers for reasons of faith or morals. The deletion of that provision is most worthy of note. It was removed as both unnecessary and inappropriate, an improper external intervention in the internal affairs of an institution of higher education.[74]
>
> (on #812-requirement of a mandate) This terse new canon caused more apprehension and provoked more opposition during the drafting stages of the revised Code than probably any other provision of the law. The requirement of an ecclesiastical mandate to teach theology is found nowhere in the 1917 Code nor in the teaching of the Second Vatican Council. It originated in Germany in 1848 when the hierarchy was struggling to retain some control over the teaching of religion in the newly secularized schools . . . When the canon was proposed in the 1977 draft of the revised code it raised a storm of opposition in North America. The ACCU, the Catholic Theological Society of America and the "Bishops and Presidents Committee" all made strong representations for its deletion . . . This concern was carried by prelates from Canada and the United States to the Code Commission, and in person to Pope John Paul II by delegates of the Association of Catholic Colleges and Universities (audience of March 2, 1982). Concern remains at such a level in North America that the United States and Canadian bishops are being urged to request an indult dispensing the territories from the obligation of #812. (Note: the long discussion of this canon deserves fuller treatment; basically, it argues to the ambiguity of the meaning and application of the canon).[75]

December 7, 1985 marked the twentieth anniversary of the *Declaration on Religious Freedom*—years of dialogue, debate, growth, change. Catholic institutions of higher education had been forced to reexamine their nature, their changing roles, their failures and successes. Ellis' challenge of 1955 had been a prelude to a far greater development than even he, great historian that he is, could have foreseen. In the dialogue with educational leaders from other countries, they had come to recognize that there were other patterns, other ideals that influenced the patterns of Catholic education. Within the United States there were also strong differences about the relation of the universities to the Church, about academic freedom and autonomy. Twenty years is a very short period in which to change habits of thought rooted in centuries, and the literature of the period reflects the nostalgia for the past and the impatience with the pace of change which characterize any period of rapid change.

On April 15, 1985, a proposed *Schema* for a Pontifical Document on Catholic Universities was distributed by the Congregation for Catholic Education as a "pure working instrument, to be assessed with impartiality from every point of view." It stated: "With the apostolic constitution *Sapientia Christiana* on April 15, 1979, norms for ecclesiastical universities and faculties were issued . . . The time is now opportune for the provision of a new pontifical document for issuing analogous norms for Catholic universities and faculties."[76]

Reaction to the *Schema* ranged from astonishment that the work of the past 20 years seemed to have been ignored, alarm on the part of those who became aware of the dialogue for the first time, to support from the Fellowship of Catholic Scholars. Once more, the ACCU took leadership in organizing the dialogue. A questionnaire was distributed to college and university presidents and a synthesis of the responses prepared by Sister Gallin, the Executive Director, was sent to the Congregation, and appeared in *Origins* (Vol.15,#43) for April 10, 1986. Since another paper at this session is dealing in detail with this discussion (which is still in progress), I will only note that the ACCU summary is an outstanding example of the growing stature of Catholic higher education in the United States.

Theologian Richard McBrien, in an address to ACCU, summarized the task of Catholic higher education in the Church of Vatican II:

> As we continue to move theologically, if not canonically, away from an exceedingly clericalized, hierarchically-oriented concept of the Church, Catholic higher education will increasingly recognize that matters of orthodoxy and ecclesiastical discipline have to be resolved in the context of wider, more complex processes of reflection, argument and consensus-building. This is not at all to suggest that the Church of the 1980's and beyond will be a Church without papal and episcopal supervision, but only that the Petrine and episcopal ministries will be perceived increasingly and more profoundly as ministries *to* and *for* the community rather than ministries *over* the community. Furthermore, that community—thanks in no small part to the work of our several institutions—is, and will be, an increasingly well-educated community of reasonably sophisticated and critical adults . . . A Catholic college or university which

[72]Ibid., p. 572.

[73]Ibid., p. 573.

[74]Ibid., p. 574.

[75]Ibid., pp. 575-6.

[76]#45, p. 708. *Origins*, Vol. 15, #43, 4/10/86.

> yields too quickly to ecclesiastical pressures sins not only against good ecclesiology but against the integrity and maturity of faith of its own people.[77]

Rereading the inspiring words of *Lumen Gentium* and the *Declaration on Religious Freedom* we understand with new clarity that the ideal is hard to realize and slow to reach fulfillment. A building can be quickly razed by a blast or a demolition crew and be rebuilt accordingly to the plans of a single architect by placing brick on identical brick. A People, however, is very different; united by a common love, even by a hope for the same end, its members may differ in culture, outlook, ability to change, pace of change. They will be radical, liberal, progressive, moderate, conservative, ultra-conservative and each will want to be heard. Often they will use the same words but with different meanings; they long for dialogue but are upset when differing views emerge and are loyally defended; they espouse community but sometimes are really seeking uniformity. A People will never be tidy, neat, submissive but if it is truly a People the differences will not divide but will enrich the whole.

These and many other insights have come to the surface in the Church emerging from Vatican II. If we are to be effective in truly forming a People of God, in uniting the whole world in peace and love, we must continue the dialogue with patience and trust. The dialogue on Catholic higher education is only a small part of the whole. It has taken much time and energy and has fostered good will and understanding among many diverse groups. It has forced Catholic educators to come to a deeper understanding of the unique nature of Catholic institutions in the United States and to appreciate the historical foundations of differing views in other countries—it has blasted the ghetto mentality. In seeking to obtain understanding from the Congregation on Catholic Education, American Catholic educators have reached a better self-understanding, insights into both achievements and failures. The challenges of the Second Vatican Council forced us to forego easy answers and the security of simple solutions. They have forced us to face honestly the complexities and ambiguities, the pain, of our times.

As we continue the dialogue on autonomy, freedom and the role of our institutions we might be sustained by the final written words of John Courtney Murray:

> The skeleton remains: the classical conception of the vertical relationship of authority and freedom. But it needs to assume a more Christian and therefore more human form by standing forth in the living flesh and blood that is the Christian community. More abstractly, the vertical relationship of command-obedience needs to be completed by the horizontal relationships of dialogue between authority and the free Christian community. The two relationships do not cancel but reciprocally support, each other.
>
> This more adequate understanding of the ecclesial relationship does not indeed dissolve the inevitable tension between freedom and authority. But by setting this perennial polarity within the living context of comunity, it can serve to make the tension healthy and creative, releasing the energies radiant from both poles for their one common task which is to build the beloved community.[78]

[77] Richard P. McBrien, op cit.

[78] *America*, 12/3 ee, p. 741.

How Bishops and Theologians Relate

Most Reverend James W. Malone

I am grateful for the opportunity of being part of your celebration and eager to share in a continuing conversation which I believe is essential for the church today—the dialogue of bishops and theologians. To contribute to this dialogue, I propose to examine the period from Vatican II through the synod of 1985 by focusing on the theme of freedom and authority in the church with specific reference to its meaning for bishops and theologians.

Accordingly, I will address three questions: 1) freedom and authority in the Catholic Church, the conciliar legacy; 2) freedom, authority and theology, the post-conciliar experience; and 3) bishops, theologians and the church, the future agenda.

The Conciliar Legacy

In 1985 the whole church had an opportunity to recall and reflect upon the event of Vatican II. The preparation for the 1985 synod in Rome stimulated a significant body of analysis and commentary on the council and its teaching. The conciliar experience is defined in terms of some key themes. Externally—the church *ad extra*—the central ideas involved an opening to the world, a broader dialogue with the Christian churches and a new dialogue with the great world religions. Internally—the church *ad intra*—key ideas were the concept of the people of God, the collegiality of the episcopacy and the role of the laity in the church.

Running through both the process of engagement with the world and the project of renewal within the church was the theme of freedom and authority in the church. The phrase "freedom and authority" became symbolic of the conciliar experience and of the post-conciliar efforts to implement the teaching of Vatican II. The symbolic significance of the freedom-authority question was rooted in the substance of the teaching of Vatican II. In the last article of his life, Father John Courtney Murray, SJ, described the council as "a splendid event of freedom."[1] Both the *Declaration on Religious Liberty* and the *Pastoral Constitution on the Church in the Modern World* reflect the centrality of the theme of freedom in the council. Correlatively, the *Dogmatic Constitution on the Church* manifests both a reaffirmation of the centrality of authority in Catholic ecclesiology and an effort to root authority in its biblical basis of a form of service to the wider ecclesial community.

During the council, the freedom-authority relationship was analyzed, discussed and debated throughout the church. Authors of different persuasions would emphasize one side of the equation or the other, but the scope of the debate was a wide-ranging ecclesial reflection on two central ideas of Christian faith. In his 1964 McGeary lecture, "Reflections on Conscience and Authority," the then-Bishop John Wright of Pittsburgh went to some lengths to stress the positive function of authority in the church. Taking as his guide Father Yves Congar's dictum that for bishops "power is responsibility and authority service," Bishop Wright wrote:

> "This means that authority is not only established to regulate, to order, to control and, on occasion, to forbid . . . it also means what is usually much more important and urgent, namely, that authority is given to inspire and to encourage the initiatives of others, as does God by his grace."[2]

To complement such reflections on authority, other authors pressed an expanded role for freedom within the church. In his inaugural lecture in the United States in 1963, Father Hans Kung attracted large audiences across the country with his analysis of "the church and freedom." In themes which reflected both the splendid event of freedom occurring in Rome and the cultural tradition on freedom in America, Kung said:

> "Freedom in the church always has to be won over and over again . . . The realization of freedom in the church s a task of decisive importance: How is the church with her message of freedom to be regarded as credible by men if she does not show herself as a dwelling place of freedom?"[3]

The quotes from Bishop Wright and Father Kung catch some of the spirit of conciliar debate on freedom and authority, a debate which spilled out from the council and into lecture halls, classrooms and journals through-

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Most Reverend James W. Malone is the Bishop of Youngstown, Ohio, and President of the National Conference of Catholic Bishops. The present text was delivered at a June, 1986 symposium marking the 25th anniversary of the graduate theology program at Marquette University and was originally published in Origins, *Volume 16: Number 9 (July 31, 1986).*

[1]John Courtney Murray, "Freedom, Authority and Community," *America*, December 1966.

[2]Bishop John J. Wright, "Reflections on Conscience and Authority: the McGeary Lecture," *The Critic*, 1964.

[3]Hans Kung, "Freedom and the Church" in *Freedom Today* (Sheed and Ward, 1964).

out the Catholic world. The pertinent documents of the council provided the ideas and issues for the post-conciliar engagement with freedom and authority. Every level of the church from the papacy to the parish has been part of the freedom-authority debate and drama.

Twenty years later, I find in two articles a guide for the conciliar and post-conciliar attempt to state a contemporary Catholic understanding of the value and role of freedom and authority in Catholic life. The first is John Courtney Murray's 1966 article in *America*, "Freedom, Authority and Community"; the second is Avery Dulles' 1985 article in *Commonweal*, "Authority: the Divided Legacy." The significance of these articles is not that they definitively answer the question of how freedom and authority are to be balanced, but they do analyze what is at stake for the church and Christian life in finding the right relationship of freedom and authority.

Dulles illustrates precisely how the council reaffirmed and strengthened key elements of authority in Catholic polity. The episcopal and papal offices have, if anything, been affirmed with new vigor by the *Dogmatic Constitution on the Church*. While the conciliar teaching on collegiality has broadened the scope of episcopal participation in decision making, Dulles shows how both Paul VI and John Paul II have acted in highly personal ways, exercising papal prerogative in teaching and governance. The value of Dulles' analysis is that it shows both how Vatican II opened new perspectives on decentralizing authority and yet left in place patterns of leadership which guarantee strong centers of authority within Catholic polity.

Murray recognizes the essential role of authority in Catholic teaching and life, but argues that the freedom-authority equation exhibits an imbalance, which is the product of the post-Reformation period. He finds in the theology of Vatican II the potential to emphasize personal and institutional freedom without eroding the Catholic understanding of authority. His article, to which I shall return later in this lecture, constitutes a blueprint for recasting the freedom-authority themes. Such an effort, he argues, must be seen in ecclesiological, not political, terms. As Murray describes the task:

> "This more adequate understanding of the ecclesial relationship does not indeed dissolve the inevitable tension between freedom and authority. But by situating this perennial polarity within the living context of community, it can serve to make the tension healthy and creative, releasing energies radiant from both poles for their one common task, which is to build the beloved community."[4]

Both Murray and Dulles view the working out of this perennial polarity of freedom and authority as a task involving the whole church and touching every relationship within the church. No relationship is more complex in this context than correlating the rights and responsibilities of bishops and theologians as they seek to build the beloved community.

[4]Murray, "Freedom, Authority and Community."

The Post-Conciliar Experience

To assess the bishop-theologian relationship in the light of freedom and authority, it is necessary to say a word about the role of theologians in the conciliar era. The council was the work first of the Holy Spirit, second of the bishops who participated in it and third of the theologians who prepared the way for the teaching of Vatican II and who helped shape the specific content of that teaching. The role played by theologians was strikingly symbolized by the Mass Pope Paul VI concelebrated with the leading theologians at the close of Vatican II. Around the altar were Yves Congar, OP, Henri de Lubac, SJ, John Courtney Murray, SJ, and many others—most of whom had been silenced for part of their theological careers and had lived to see their work vindicated by the council. In human terms, it is difficult to think of Vatican II's achievement without the patient, meticulous scholarship of these theologians throughout the first half of this century.

The central role of theologians continued into the post-conciliar period. Biblical scholars helped bishops and laity, preists and religious understand how the historical-critical method would illuminate the mysteries of the Scriptures, not erode their majesty. Moral theologians grappled with a range of questions from marriage to nuclear war, all foreshadowed in the *Pastoral Constitution on the Church in the Modern World*. No area of the church's life, from liturgy to ecumenism to social ministry, was untouched by the theological renewal which had both contributed to Vatican II and was enhanced by it.

Precisely because of the vitality of theology in these years and because of the speed of the theological renewal some strains inevitably developed between the academic requirements of freedom and the pastoral necessities of order in the church. The post-conciliar period has been marked by an extraordinary degree of collaboration between bishops and theologians. It has also known its share of conflict. From contraception to Christology, from ecclesiology to ethics, the episcopal magisterium and the theological community have experienced the clash of mind on mind in the search for what the Lord calls us to be in the wake of Vatican II. Inevitably, in an age when religion, and particularly Catholicism, has become a prime interest in the media, the conflict has received more attention than the collaboration.

As a bishop, I have benefited from the collaboration, and I have known some of the pain of conflict. Trying to learn from both, allow me to sketch my view of the content of the theological enterprise and the context needed if theological work is to proceed fruitfully.

By the content of the theological task, I refer to those characteristics which I hear theologians saying shape their work and which I find most significant as a bishop in need of solid, creative theological assistance. My short list of what should characterize Catholic theology today is that it should be ecclesial, experiential and scientific.

Theology is an ecclesial discipline. It serves a community of faith. The dynamism of faith moves inexorably from assent to the word of God to a continuing quest for

deeper understanding of what my assent means and how it relates to the wider world of human knowledge and human affairs. Theologians serve the ecclesial community by providing it with systematic reflection about questions of the meaning and relevance of faith which every believer must answer for himself or herself. We all ask ourselves or others what it means to believe and what difference "the Christian fact" makes in the world; but theologians not only ask these questions, they are particularly prepared to help the whole community of faith answer them.

Theologians, to use a commercial analogy, are not self-employed; they live in the ecclesial community and their work is a public function for the community. A church devoid of theologians or a church which fails to respect the theological enterprise forfeits its sense of identity and its potential for witness in the wider society.

To say that theology is ecclesial does not mean that it is properly done only in seminaries or church-related institutions. Theology today can be ecclesial and still be pursued in a multiplicity of settings. But wherever the work is done there should be, in Catholic theology, an ecclesial foundation for it and an ecclesial significance to it. The wider community of the church needs theologians if faith is to be intelligible and relevant. The theologian needs the community as a point of reference for his or her work, as a source of questions and commentary, and as a constituency which manifests the meaning of the word of God by the quality of its witness in the world.

The relationship of the theologian and the community highlights the experiential character of theology. Theology is rooted in the word of God, but the word took shape in history and it must be continually related to the specific character of the history of each age and culture. The experiential character of theology was classically stated in the phrase from Vatican II which says, "The church has always had the duty of scrutinizing the signs of the times and of interpreting them in the light of the Gospel" (*Pastoral Constitution on the Church in the Modern World*, 4).

"Scrutinizing the signs of the times" means being sensitive to the experience of the Christian community as it seeks to live the Gospel. From the conciliar documents, through the theology of liberation to the consultation of the U.S. episcopacy on peace and the economy, the effort of post-conciliar Catholicism has been to begin with experience as a first step toward understanding the call of God in history. The effort means probing the personal quest for meaning and the public questions of justice, peace and freedom. The experiential emphasis in theology is one illustration of how the theologian serves the wider community. The theologian listens to the experience of the church, reflects upon it in light of the Catholic tradition and offers the community the fruit of this reflection to guide its future actions.

The ecclesial and experiential dimensions of theology are related; theology serves the church in order that the church may serve the world. An ecclesial theology which lacks an experiential edge risks isolating the power of the Gospel in the sanctuary. The council, I believe, provided a spirit and substance for theology which is both ecclesial and experiential in character. The post-conciliar engagement of the church in the world—a process which has had reverberations around the globe—is grounded in the ecclesial-experiential theology of Vatican II.

As a bishop in an episcopal conference which has devoted substantial time and energy to the place of the church in the world, I can testify to the irreplaceable role of the theological enterprise. The pastoral letters on peace and the economy drew extensively on the work of theologians. The public dialogue which surrounded the drafting process and the task of interpreting the letters to a multiplicity of audiences would have been impossible without the resources and personal engagement of the theological community.

The scientific character of theology becomes important precisely because of the need the church has to make its beliefs intelligible to an increasingly educated community in this country and to the wider public. I use science here as St. Thomas described theology "as a science." I choose the term to highlight the need for Catholic theology not only to provide meaning for those in the community of faith, but also to provide an interpretation of faith in the intellectual and cultural world of our day.

A scientific theology will be at home in the university. It is clearly not the case that faith can be reduced to one more academic discipline, but it is the case that a Catholic vision of faith deeply respects the role of reason. A scientific theology will reflect the pattern which Father Walter Burghardt has described as Origen's theological style: 1) recognizing the rights of reason; 2) acquiring a sweeping range of knowledge; 3) relating the new with the old, the secular and sacred; and 4) incorporating both rational knowledge and the wisdom of faith in intelligent love.

In sum, I believe theology must be ecclesially at home in the church, experientially at home in the world and scientifically at home in the academy. To develop theology with this content, theologians require a specific context for their work. It is that context I now wish to describe.

The context for fruitful theological reflection, I suggest, is summarized in the title of Father Murray's article: "Freedom, Authority and Community." Theology should have a relationship to all three terms.

Freedom is a necessary condition for scholarly work. This is an accepted principle in other disciplines, and it is true for theology as well. The freedom needed is the space to follow the logic of a scholar's research, to state the case for one's findings, to have unhindered access to the comments of others and to benefit from their criticisms. Freedom is not a luxury in an academic setting; it is the presumption upon which the style of academic life is founded. Obviously there are special conditions governing the pursuit of theology as an ecclesial discipline: the demands of public order in the church are real and legitimate. But there is no reason in principle why the accepted standards of academic freedom should not be observed in the study of Catholic theology.

Because it is an ecclesial discipline, theology should be joined to the concept of authority in the church. Interestingly, Father Murray argued that "the first function of authority is to foster the freedom of theological inquiry."[5] But authority also has other functions in the church; Murray described them as unitive, directive and punitive. The first two, the unitive and directive roles, are designed to coordinate the various charisms in the church and to order them toward effective public witness. The punitive function serves the Christian community by protecting it "against the egoisms—whether of thought or of action—that would destory its unity or damage its work."[6] Theology should be a guide for the exercise of authority in the church, even as theologians recognize that they too are bound by the unitive and directive role of those in authority, and—in the extreme case—subject to punitive action. A theologically informed exercise of authority, however, is one of the best safeguards against capricious use of the punitive role.

Theology, precisely as an ecclesial discipline, should inform both the use of freedom and the use of authority in the church. In this way it will serve the community in which both freedom and authority are necessary means to the fulfillment of its vocation. A theologically grounded exercise of freedom and authority can be produced only through a collaborative effort of bishops and theologians. The prospect for such collaboration is my final topic.

The Future Agenda

I have already noted that the post-conciliar period has witnessed both extensive collaboration of bishops and theologians, and some conflict. Since the church is a living body, key relationships within the church have from its beginnings manifested both harmony and tension. Looking at the immediate future of the bishop-theologian relationship, it is only fair to observe that there is some apprehension presently being expressed in several quarters about a series of issues facing the universal church and the church in the United States. After a period when the conciliar winds of freedom moved through all our institutions, there are some signs that a certain strengthening of episcopal control is being called for in the draft document from the Holy See on Catholic universities. The document, as you know, has been subjected to some rigorous criticism in the United States. Precisely because it is a draft, it is my hope that the kind of honest, forthright exchange which has occurred will move us toward a document which will be to the benefit of the episcopal magisterium, the theological community and, most of all, the church which we both are called to serve.

This remark brings me to the heart of my theme: as bishops and theologians we are fated and called to live and work together for the wider community of the church. Our ministries are of the church, and they exist for the church, which is both a community of believers and a social institution called to contribute responsibly to the welfare of the world. Precisely because the church as Catholic cannot exist without bishops or without theologians, the quality of our relationship influences the life of the church as a whole. We both bear public responsibilities.

How should we conceive the nature of our relationship? What criteria and procedures should structure our working style? The questions are easier to ask than to answer; both the International Theological Commission in 1976 and a joint committee of the Catholic Theological Society of America and the Canon Law Society of America in 1984 have provided useful reflections on these large questions. I urge those interested to consult these resources, and I will confine myself to two brief comments on: 1) the content of our mutual responsibilities; and 2) the context in which we fulfill them.

The content of our vocational responsibilities can be highlighted by two quotations. The International Theological Commission study describes the role of bishops in the following manner:

> "It is the magisterium's task authoritatively to defend the Catholic integrity and unity of faith and morals. From this follow specific functions; and although at first glance they seem particularly to be of a rather negative character, they are, rather, a positive ministry for the life of the church. These are: 'the task of authoritatively intepreting the word of God, written and handed down,' the censuring of opinions which endanger the faith and morals proper to the church, the proposing of truths which are of particular contemporary relevance."[7]

The emphasis of the text falls upon words like "defending," "authoritatively interpreting" and "censuring"; implicit in the description is the responsibility of the magisterium to conserve the truth of the Gospel and to protect the public order of the community.

I will now let a theologian speak for theologians, describing the content of the theological enterprise from the inside, as it were. My choice is again Father John Courtney Murray, who once described the theologian's task in these words:

> "We do indeed stand for the tradition. But the tradition is not simply a thing of the past. It is a tradition of growth, and the true theologian stands on the growing edge of the tradition . . . The theologian stands for growth in understanding, knowledge and wisdom. This growth must be of such dimension and of such intensity as to pervade the entire church. It is the special task of the theologian to further this growth. He must so present the faith that that which was formerly believed, but obscurely understood, is now believed and understood more clearly, so that posterity may understand and venerate what antiquity had venerated but not understood."[8]

With elegance and clarity, Murray puts the accent of his remarks on "development," "growth," "understand-

[5]Murray, "A Will to Community" in Stephen Bayne, ed., *Theological Freedom and Social Responsibility*.

[6]Murray, "Freedom, Authority and Community."

[7]International Theological Commission, "Theses on the Relationship Between the Ecclesiastical Magisterium and Theology," (II, Thesis 5, 2), U.S. Catholic Conference, 1976.

[8]Murray, "Theologian: Witness to Growth," interview with Francis Fiorenza in *The Advocate*.

ing"; the emphasis here is less on conservation than on creativity, less on the truth already in possession and more on sharing and enlarging the range of understanding we possess. My purpose is not to counterpoint these texts in an imagery of absolute opposition. Nothing would be further from the substance of Murray's view or the spirit of my commentary. Preservation and communication, protection and development are complementary obligations of the teaching role of the church. All who share in that role must accept responsibility for both dimensions of the ministry.

But we share the common responsibility differently: Theologians without an appetite for creativity and development will not serve us well in an age where knowledge grows by quantum leaps; bishops without a courageous sense of responsibility to protect the deposit of faith will leave a gift we all need vulnerable to erosion or attack. The content of our responsibilities is complementary; the dynamic orientation of our responsibilities is different. Bishops and theologians need a sensitivity to each other's ministry in order that together we can share the treasure of the Catholic tradition and shape it for the future.

The context in which we function is both challenging and stressful. In the setting of the United States three characteristics of our culture influence how bishops and theologians relate. The first is a social force—the pervasive influence of the mass media. The episcopacy-theologian relationship has been a part of the church's life for centuries. But Aquinas, Bellarmine or Newman never had to contend with *Time*, *Newsweek* or Dan Rather. The old procedural guideline about publishing only in technical theological journals lest one disturb the faithful has been swept away in the post-conciliar period, when the church—especially conflict in the church—is "hot media." There is no time to lament the loss of a classical sense of leisure. Bishops and theologians must manage our collaboration and our conflicts on center stage; we should face this fact. Most of what we say in private will become public.

A second characteristic is an intellectual tradition—the American commitment to academic freedom. In his Chancellor Dunning lectures of 1956, *Freedom in Contemporary Society*, Professor Samuel Eliot Morison defined academic freedom as "the newest arrival in the freedom ranks" and "second only to political freedom as a protection for society as a whole." Morison noted with care and respect that the contemporary notion of academic freedom was unknown in the medieval university and that in a college or university committed to "propagating a particular religion" there would always be some stress on the outer edge of the principle of academic freedom. Some stress perhaps, but Catholic colleges and universities, as I see them today, are committed to being both authentically Catholic and authentically academic. We will feel Morison's prediction of stress, but we should not give up either pole of the tension. Living the dynamic of "Catholic and free" is simply one specification of maintaining the traditional Catholic commitment to honor the demands of both faith and reason.

A third characteristic touching both bishops and theologians is a cultural one—a democracy lives by open, public debate where all parties are both free to speak and accountable for the implications of their positions. Bishops and theologians are ultimately accountable to the truth of the tradition we serve and to the community of the church of which we are members. Catholicism is not a democracy; but that truism does not touch the question of how Catholicism lives in a democratic culture. We should neither be simply absorbed within it nor isolated from it. We are called to be leaven, salt and light, but all three require entering into something to transform it. Bishops and theologians must preserve the faith and share the faith in a culture which values the courage of convictions openly stated, openly criticized and openly defended. In the end, the central truths of Catholic faith and morals are not to be decided by vote. But that does not mean we can or should ignore the demands of due process in our ecclesial institutions. Nor does it preclude a teaching style which fosters within the church and with the wider society what Father Murray called "civilized conversation." The cultivation of such civil discourse between bishops and theologians should be a model for extending the same dialogue into church and society.

At the risk of overexposure of one source in this lecture, allow me to close it with the last words published under John Courtney Murray's name. They describe the spirit of intellectual courage and Christian hope which should characterize both bishops and theologians today:

> "Today there are abroad all sorts of tendencies, currents of thought, climates of opinion. And many uncertainties attend the necessary business of a renewal of the personal structures of conscience and the further business of a reform of the objective expressions of the Christian faith. We all live in an unbelieving world. And a 'credibility gap' has opened between the doctrines and structures of the church and the sheer experience of the world as it is. The truths of the church and the forms of her life are supposed to interpret the experience of human life and to give it some saving structure. But is this happening? Many say no, and not without reason. This answer seems to have lain behind John XXIII's distinction between the 'substance' of Christian faith and the 'forms' of its expression. The distinction could be given a too simplistic meaning, as if only words were at stake. But it points in the right direction, toward a task we must take firmly in hand. We shall do the task badly, of course. There will be lots of 'mistakes,' but they are readily dealt with, since they involve no will to error. This latter thing is the danger. How to avoid it? I think the corrective is a will to community—of thought and love. The Christian community is not in error, whatever mistakes it may make."[6]

[6]Murray, "A Will to Community."

A Catholic University: Some Clarifications

Most Reverend Rembert G. Weakland, O.S.B.

It saddens me to see the campaign here in the archdiocese to ruin the reputation of Marquette University because of one of its professors. Marquette is one of the Catholic institutions that we all can be rightly proud of because of its contribution through many years to the city, to the church in this region, and to the nation.

All of us, including a Catholic university, must have a concern for accuracy and clarity of Catholic doctrine. In this context, I repeat what I wrote once before: The teaching of Dr. Daniel Maguire of Marquette's theological faculty on the question of abortion is not consonant with the official teaching of the Catholic church, a teaching clearly repeated by the Congregation for the Doctrine of the Faith and again reiterated by the bishops of the U.S.A. in their statement in November at their annual meeting.

The doctrine committee of the U.S. bishops, after citing the opinion that suggests that abortion can sometimes be a legitimate moral choice, wrote: "We want to affirm that such an opinion, however sincerely motivated, contradicts the clear and constant teaching of the church that deliberately chosen abortion is objectively immoral. It is not a legitimate moral choice." The bishops adopted that resolution as their own. It is in agreement with the Declaration on Abortion of the Congregation for the Doctrine of Faith, Nov. 18, 1974.

It seems clear that Dr. Maguire does dissent from such teaching.

I would also have to state that his teaching on homosexuality, as found in the article, "The Morality of Homosexual Marriage" (*A Challenge to Love*, edited by Robert Nugent, New York, 1983, pp. 118-134), cannot be reconciled with the teaching of the church as outlined in the "Declaration on Certain Questions Concerning Sexual Ethics" of that same Congregation for the Doctrine of the Faith, Dec. 29, 1975.

An important distinction needs to be made here. My criticism of a Marquette theologian is not meant as a criticism of the university providing for his work. Major American Catholic universities, including Marquette, long ago adopted the standard American guarantees of academic freedom. This was done not as a compromise of ideals to secular reality, but as a way to make those institutions more effective in service to the church. They would be more effective because they could attract to their work a more competent faculty and staff, and thereby enhance the cultural impact of their Catholic witness.

Academic freedom must not be interpreted to mean that truth and falsehood are the same, nor does it mean that one does not have a grave obligation to search for and teach the truth. Academic freedom in our Catholic universities has made them stronger and is a heritage that must not be jeopardized.

The risks of this are also clear. As Marquette stated in a 1969 foundation document, for example: "...precisely because of the free condition in which the university's essential activities take place, a university calling itself Catholic freely entertains the possibility of having develop within itself points of view which may seem contradictory to one or another teaching of the church." But the risks were taken for the greater good that could accrue to the church in America. Seeing, as I do, the immense contributions of Marquette and the assembly of American Catholic universities, and seeing around the world no collection of Catholic universities to compare with the American, I believe it was a risk well taken and I am pleased to have that fine university in this archdiocese.

If that gives some parents concern, namely, that a son or daughter of theirs might be taught by one not teaching in every detail Catholic doctrine (and this can happen just as easily in non-theological areas), they must remember that also trying to preserve a young person from hearing or reading material contrary to Catholic belief is not the best form of education.

We all must learn in a free society to discern right from wrong, truth from falsehood. Gaining such maturity is demanded of all of us and should result from the whole education received in a Catholic university, especially one as concerned for its religious obligations as is Marquette.

Of course, there are risks, but there are just as many risks in denying to teachers the freedom that has been a part of our academic heritage for centuries. I, too, hope that teachers always clearly distinguish what is official church teaching from their own views. But to apply to a Catholic university any tactics that would resemble those of a totalitarian state and that would deprive it of its academic freedom would be indeed an even more dangerous process in the long run.

Most Reverend Rembert Weakland, O.S.B. is the Archbishop of Milwaukee. *This text originally appeared in* The Catholic Herald, *the Archdiocesan newspaper, on March 21, 1985.*

33

Academic Freedom and the Catholic College/University

Alice Gallin, O.S.U.

During the past few years, American Catholic higher education has received a disproportionate amount of media attention. There are several reasons for this: the proposed *Schema* on Catholic universities; the revised code of Canon Law; the case of Father Charles Curran; Dan Maguire's interaction with several institutions and, on the sidelines, such non-university issues as Archbishop Hunthausen, Michael Buckley, S.J.'s appointment to USCC/NCCB, various questions about the process of granting an imprimatur. All of these issues reflect a fundamental difference in people's understanding of the Church, and none of them are settled by easy recourse to laws and penalties.

We are, by definition, both Catholic and university. Our task is to explore the meaning of each term and to have conversations about the points of tension between the two. A recent speaker summed it up by saying the Church to which we belong is infallible while the university necessarily is fallible.[1] That is somewhat oversimplified but it does contain a grain of truth. Although we have entitled this talk "Academic Freedom", it might simply be better to speak of the freedom needed for our task of being a university and the freedom needed for us to be Catholic—and where the freedoms may intersect.

Universities, from their beginning, have had to define their freedom against both State and Church. Such institutional freedom was seen as necessary if the individual scholar-teacher and the individual student were to be free to carry out their vocation to learn and to teach. Such a concept of freedom clearly antedates the AAUP "red book" and yet is at the root of it. In an address last year, Father Timothy Healy of Georgetown University dwelt on the fact that teaching, of itself, required freedom. For both teacher and learner, the process leads to self-actualization and that is a process that can only be carried on in freedom. He quoted Rahner in this context: "...freedom is not the ability to do this or to do that, but the power to decide about and actualize ourselves."[2] Father Healy went so far as to suggest that because "teaching summons and supports authentic freedom for ourselves and our students it can fairly be called sacramental."

In the Roosevelt era, we spoke of the "four freedoms"—two were freedoms "from" (want, fear) and two were freedoms "of" (speech, worship)...but the further question was "freedom *for* what?" As Americans, we take for granted a freedom which we know is not enjoyed in many other places around the world. Whether speaking of national or international affairs, we often assume that freedom is worth fighting for. Our battle hymns and our civil rights songs insist that in the end, freedom will be our great gift. It has not always been so clear what we intended to use our freedom *for*.

I think that the same may be true of our universities, both secular and denominational—and the many kinds in between. We defend academic freedom as the necessary prerequisite to scholarly achievement and we often sound as if it is something that exists apart from any political realities. But all freedom exists within a community and we need only read Ellen Schrecker's *No Ivory Tower*[3] to discover how little academic freedom was protected in the 1950's when McCarthyism was the political and social context and even the AAU and AAUP failed to defend those who dissented from mainstream American philosophy. As American Catholics, we have suffered our share of bigotry in the universities of an earlier period, treatment that was not seen by those in power there as a denial of their academic freedom. So, this is a very fragile gift of which we speak.

Unfortunately, religious institutions have also not been exempt from the temptation to impose their views on others and, in the process, have violated the freedoms which they upheld theoretically. At times a false choice has been suggested: truth *or* freedom. I think that we must refuse to accept this choice. Freedom is precisely for the sake of truth. Bernard Haring wrote that the renewal of the Church after Vatican II was marked by a freedom of dialogue which included the capacity to learn and to unlearn while guaranteeing a genuine continuity of life in Christ Jesus.[4] That is the authentic meaning of tradition, and learning and unlearning is unquestionably what goes on in education at all levels. There is an obligation to hand

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Alice Gallin, O.S.U., is Executive Director of the Association of Catholic Colleges and Universities. *Her text was presented in an address at Siena College, March 5, 1987.*

[1]Denis O'Brien, address to ACCU, February 1, 1987.

[2]Timothy Healy, S.J., "The Centrality of Teaching" an address given to the Association of Catholic Colleges and Universities, February 4, 1986, pp. 4-5. Available from ACCU.

[3]Ellen W. Schrecker, *No Ivory Tower* (Oxford Press: New York, 1986).

[4]Bernard Haring, *Free and Faithful* (Seabury Press, 1978), Vol I, p. 331.

on what we have learned—in history, physics, literature, theology, political science, etc.—but to do so critically.

The tools of scholarly analysis have such criticism as their precise purpose; were I to continue teaching that George Washington cut down the cherry tree when there was evidence to suggest he did not, I would be deemed an irresponsible and incompetent teacher. So, the freedom of the teacher is predicated not only on the knowledge he or she has acquired through study and experience but also on the ability to use the tools of critical analysis, careful reflection, logical thought, and clarity of expression. The sacred "freedom" being defended by academia must acknowledge the responsibility of the scholar-teacher. The student's right to be empowered to learn and to be respected in his/her search for truth likewise must be protected. Pedagogy always takes into account the nature of the receiver since all that is received is received according to the mode of the receiver.

When we assume the necessity for this kind of fundamental freedom for both teacher and student we can then ask: what kinds of actions interfere with it? No responsible citizen would claim that people should be free to do whatever they want to—recall the old example from the courts: "no one can claim to be free to shout "Fire!" in a crowded theatre." Freedom is not unlimited nor can it be defined exclusively in terms of law. It is a gift to each human person because the essence of the Creator is the perfect freedom by which He did what He did, and this kind of freedom precedes all human law. Yet, common sense tells us that it has parameters set by the very nature of society as communal. My freedom is limited by yours and vice versa. But the concept of freedom with regard to the human mind goes beyond that. Its only limit is the limit of truth. We are not free to hold to something when we know that it is not true. Such interior freedom manifests itself in the way that we respect one another's search for truth and in the humility of all great scholars who always remain ready to admit to error.

The legal concept of academic freedom is a bit different but it is not unrelated. Universities early in their history found it necessary to defend their Masters against attack from state and/or Church officials. Politics often played a large part in appointments and charges of heresy could cost a professor his position. The German universities, which became models of our own, in the 19th century insisted that the State change its earlier perception of the university as a training ground for civil and church officials and refrain from interfering with the prerogatives of the faculty with regard to both teaching and research. The AAUP came on to the American scene in 1915 to protect academia against political attacks against socialist or antiwar professors, but was often overcome by its own patriotism. At the same time, the new organization carefully linked the protection of academic freedom with the willingness of the professors to monitor their own behavior. The classic statement of its position is the 1940 Statement of Principles: "The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights."[5]

The limitations on this freedom, suggested in the AAUP statement, are not surprising: the teacher "should be careful not to introduce into his teaching controversial matter which has no relation to his subject"; while his right to speak as a citizen is to be safeguarded, yet "his special position in the community imposes special obligations." In such instances he "should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman."

These are limitations on our freedom that strike us as quite reasonable. But there was a further limitation mentioned in the 1940 statement that is relevant to our discussion here today: "Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment." It is important to note that in 1969 the AAUP issued interpretive comments on the 1940 statement and, with regard to the last point, stated "Most church-related institutions no longer need or desire the departure from the principle of academic freedom implied in the 1940 statement, and we do not now endorse such a departure."[6]

Much had happened in American Catholic higher education between 1940 and 1969, and I suspect that this interpretive comment did not meet with any overt resistance from our colleges and universities. We had moved into "mainstream" higher education; we had survived the witch hunts of the McCarthy era; we had new perspectives from Vatican II on individual freedom and responsibility. We had been told by *Gaudium et Spes* that we were to be the presence of the Church in the world of the academics and not to fear the exploration of sciences and letters for ultimately, faith and reason are not contradictory. The interpretive comment of AAUP was heard in that context, and our colleges and universities may have concluded that there was no difference at all between our institutions and other universities. When you add to that the need to demonstrate our eligibility for federal and state funding in the 1960's and 70's, which required that we not be "narrowly sectarian", it is easy to understand why today we are suddenly reexamining our Catholicity. As you know, the Congregation for Catholic Education—at the request of the Pope—recently drew up a draft document on the role of the Catholic university and sent it around the world for comment. This in itself was probably a first: previous documents have generally been developed with only the input of experts, but this time it was sent to all of our college and university presidents. A response, based on the comments from our presidents, was submitted to the Congregation in February 1986. In this *Schema*, another free-

[5]AAUP, Policy Documents and Reports, 1984 ed., AAUP, Washington, D.C., p. 3.

[6]Ibid, p. 5.

dom is being asserted: the freedom of the Church to have universities, and to have Catholic theologians teaching in them who teach in the name of the Church. In the light of the nationalization of Catholic universities in Africa and the continued harrassment of Catholic universities in many countries around the world, such a defensive posture is understandable. But, in the United States our situation is quite different. Fortunately, our professors are not appointed by the State nor is curriculum dictated by political forces. From the beginning, our history has been different; our institutions were not founded by the official Church hierarchy but in most cases by religious communities of women or men. Consequently, those who govern our universities are clearly in sympathy with the mission and purpose of the institution, and what they struggle with is not the question of *whether* to be Catholic colleges, but *how* to be. We are gifted with the needed freedom to choose our identity and to figure out how to enhance it. There is a wide range of mission among our 235 Catholic colleges and universities in the United States, but they all express their mission in terms of three words: research, teaching and service and they all insist on their distinctiveness among institutions of higher learning in the United States. Otherwise, why support Catholic colleges? The distinctiveness has something to do with an added dimension, "faith."

Two questions follow from this: does the acceptance of faith as a dimension to education inhibit academic freedom? And, apart from catalogue statements, what is the reality of this dimension in our operational values?

Faith and Freedom

In the beginning of this paper I spent some time on the nature of freedom. Catholic tradition has always been on the side of seeing reason and faith as complementary. The God whom Jesus proclaimed was at one and the same time perfectly free and utterly reasonable, even if we could not always understand his ways. The need for us to use our intellects in the search for truth has been underscored by most of our philosophers and theologians. The tradition of joining the love of learning to the desire for God is one of our best insights. Yet, there have been times when we have misunderstood our own tradition and have given faith a role that it did not have. We imposed the truths known by faith on the data to be examined and came up with erroneous judgments—as in the case of Galileo. History was distorted in order to serve an apologetic purpose after the Reformation, and anthropological discoveries were submerged under missionary zeal. Yet, we see these now as mistakes and, as with all experience, we should try to learn from them.

The dimension of faith means something quite different. It means that in our institutions there is an assumption that religious experience is as valid as other types of human experience. It means that we are open to truth wherever we find it, and that we believe that truth is attainable by the human mind. We approach the task of teaching and learning with a basic belief in the value of each human person and with a sensitivity to the importance of the educational task we undertake. We want our institutions to be places of freedom because we know—and believe—that ultimately only what is done in freedom is valuable. This freedom that we claim brings with it an enormous trust and significant responsibility. It can be explored within the second question above: what is the reality of the faith dimension on our campuses?

If we are to be committed to promoting the development of each person who comes to teach or learn here, we need to think through together the mission which unites us. Given the wealth of the diverse backgrounds of most faculties, one of the most important functions of a university is to provide a forum where their ideas can be articulated and debated. Homogeneity is not to be sought since it results in a certain stagnation, but clarity, humility, and civility—all essentials of good dialogue—are the qualities we need. Catholic higher education continues to insist on the goal of educating the whole person and to assist students in the ultimate synthesis of what they learn in their classes with what they imbibe from the atmosphere on the campus. Faculty members must be more than competent scholars and first rate lecturers in a particular discipline; they must be teachers who assist their students in the quest for truth and goodness. As educators, they collaborate with administrators and student personnel officials to provide the atmosphere that will further the growth in freedom of all on the campus.

A fundamental way in which our colleges and universities are Catholic is that they provide the opportunity for theology or religious studies to interact with other disciplines. This will not happen accidentally nor because the Dean structures the curriculum in such a way that the relationship is promoted. It can only happen if all faculty have an openness to discussion of the significant questions of meaning wherever they arise. The psychology teacher who avoids religious motivation as a factor in human behavior or the economics teacher who never raises questions of ethical critiques of the doctrines being presented is not really committed to the mission of the college. On the other hand, the teacher of religion who does not respond with respect and interest to questions based on new scientific data is stifling the inquiring mind of the student and is no less deficient in carrying out the mission of the college. Professors who become entrapped in a special discipline so that dialogue with colleagues is seen as a waste of time are no asset to a university. Our vision of Catholic higher education requires public debate about things that really matter.[7]

This conviction about the value of public debate is, of course, one of the reasons the American Church gets itself into so much trouble with Rome. Particularly where theologians are concerned, the dissent which might be tolerated is a private dissent. But, as Bishop James Malone pointed out in a talk last June at Marquette University, because we live in a democractic culture most of what we say in private will become public. "Aquinas,

[7]William M. Shea, "Beyond Tolerance", an address to ACCU, February 4, 1987.

Bellarmine or Newman never had to contend with *Time*, *Newsweek* or Dan Rather."[8] Rather than bemoaning this 20th Century reality, we must learn how best to express our dissent so that it will be a positive contribution to the development of the faith of the Church community. Bishop Malone spoke of the role of theology in "providing an interpretation of faith in the intellectual and cultural world of our day," and suggested that it is an *ecclesial* discipline in that it serves the community of faith by scrutinizing the signs of the times as evidence in the experience of men and women as they seek to live the Gospel. "The theologian listens to the experience of the Church, reflects on it in the light of the Catholic tradition and offers the community the fruit of this reflection to guide its future actions." To carry out this task it is clear that the theologian must be in constant dialogue with those in the other fields of research and teaching. Catholic universities furnish this opportunity.

Finally, our freedom is used to promote the growth of ourselves and our students in wisdom, age, and grace. Faith is nurtured by the search for truth when mentors and role models are present. Vital programs of campus ministry can assist students in the process of integration of scientific facts and values based on faith. Residence hall personnel will help students develop prudence and temperance as they cope with personal conflicts and will urge them to service of others in the campus community and those outside the ivy-covered gates. Peace and justice education crosses all these boundaries and is one area where many of our campuses have been able to communicate Church teaching by combining curriculum, experience, and Gospel reflection.

Our task then is one not only of handing on the Catholic tradition but of examining it critically and transforming it through our own dialogue as members of an academic community. We have an obligation to fight for the freedom that will allow us to do that. We have also an obligation to understand the ecclesial responsibility that goes along with such freedom. We are not, and do not want to be, places where one idea is as good as another, where there are no criteria for judgment of truth and error, where debate is pointless because every individual is his or her own criterion. We have a rich tradition from which we draw criteria; we have a community of faith from whose experience to learn. Our heritage is not one of indifference to the meaning of human existence.[9]

All that I have said of our Catholic mission can be accomplished without violating the principles of separation of State and Church and without the imposition of some ecclesiastical juridical structures which would link us directly to episcopal control. As we responded to the draft *Schema*: The goal of the Congregation is one we can agree with—namely, the strengthening and promotion of Catholic universities—but the means proposed by the document and the means proposed by our own colleges and universities are different. It is now our task to demonstrate that our institutions are not less Catholic because they are independent of ecclesiastical control. We are not choosing between our Catholicity and State funding. Utilizing the academic freedom that we enjoy, we must work as intelligently and forcefully as we can to achieve the goal we set forth; and, whatever the particular statement of Sienna College as to its mission, I suspect we can all subscribe to that of John Henry Newman in *The Idea of a University*:

> It is a great point then to enlarge the range of studies which a university professes, even for the sake of the students; and, though they cannot pursue every subject which is open to them, they will be the gainers by living among those and under those who represent the whole circle. This I conceive to be the advantage of a seat of universal learning, considered as a place of education. An assemblage of learned men, zealous for their own sciences, and rivals of each other, are brought, by familiar intercourse and for the sake of intellectual peace, to adjust together the claims and relations of their respective subjects of investigation. They learn to respect, to consult, to aid each other. Thus is created a pure and clear atmosphere of thought, which the student also breathes, though in his own case he only pursues a few sciences out of the multitude. He profits by an intellectual tradition, which is independent of particular teachers, which guides him in his choice of subjects, and duly interprets for him those which he chooses. He apprehends the great outlines of knowledge, the principles on which it rests, the scale of its parts, its lights and its shades, its great points and its little, as he otherwise cannot apprehend them. Hence it is that his education is called "liberal." A habit of mind is formed which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation, and wisdom; or what in a former discourse I have ventured to call a philosophical habit. This then I would assign as the special fruit of the education furnished at a university . . .[10]

This is the answer to our first question: what do we want to be free for? The academic freedom we claim is for the sake of the task described by Newman and, as such, it is well worth defending. Finally, as Catholic colleges and universities in the United States we can be heartened by the statement of the American bishops: ". . . Academic freedom and institutional independence in pursuit of the mission of the institution are essential components of education quality and integrity; commitment to the Gospel and the teachings and heritage of the Catholic Church provide the inspiration and enrichment that make a college fully Catholic."[11]

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[8]Bishop James Malone, "How Bishops and Theologians Relate", an address given at Marquette University, June 26-30 Symposium, in *Origins*, July 31, 1986, Vol. 16, No. 9.

[9]William M. Shea, *Op Cit*.

[10]John Henry Cardinal Newman, *The Idea of a University*, (New York: Doubleday, 1959), pp. 128-129.

[11]*Catholic Higher Education and the Pastoral Mission of the Church*, Washington, D.C.: United States Catholic Conference, November 13, 1980.

The Usages of Freedom

Timothy S. Healy, S.J.

In November 1786, at Whitemarsh in Maryland, six of the twenty-four Catholic priests at work in the United States met to discuss the governance of the Church in their new republic as well as the establishment of Georgetown. In the memorandum they prepared for the distant Holy See, John Carroll wrote:

> In 1776, the American independence was declared, and a revolution effected, not only in political affairs but also in those relating to Religion. For while the thirteen provinces of North America rejected the yoke of England, they proclaimed at the same time, freedom of conscience, and the right of worshiping the Almighty, according to the spirit of the religion to which each one should belong....After the war... the good effects of freedom of conscience began to develop themselves.

Carroll and his companions shared with a small body of about eighteen thousand Catholics their grasp that the *novus ordo saeclorum* the new Republic so proudly proclaimed was to have a profound and good effect on the Church in America.

As Georgetown approaches its two hundredth anniversary it would do well to remember Carroll's words and the implications they were to have for the future of his "little academy." In celebrating its double century, Georgetown also celebrates two hundred years of "the good effects of freedom of conscience" the American public gave and protected. That freedom has meant so many things to so many people that any full description of it is impossible. For Georgetown it has meant principally the freedom to be Catholic.

The American understanding of democratic freedom was inspired by the philosophers of the Enlightenment and found its fullest expression in The Declaration of Independence, the Constitution and the Bill of Rights. When these documents were shaped, the Catholic Church's theology of freedom was sharply limited. As far as religion in a republic was concerned, the Church taught then and taught up until the Second Vatican Council that as soon as Catholics were 51 percent of the population, it was their duty to suppress the public activity of all other religions. While kindness and individual respect were urged, the blunt thesis was that "error has no rights"; everyone other than Catholics was wrong. By the 1950s, when I was a theological student, our faculty presented this *thesis classica* with reservation and indeed apologies, but presented it nonetheless.

Behind the Church's intransigent misreading of America's freedoms lay the fear of Deism, which stressed the rationality of reality and denied not only the mystery of creation but both the transcendence and infinity of God. This fear led the Church to distrust the natural rights theory on which the Declaration and the Constitution rested.

Thanks to the work of Father John Courtney Murray, among others, the Second Vatican Council quite simply repealed the *thesis classica*, faced squarely the implications of the great American documents and the growth of democracy that resulted from them and remade the Church's thinking on freedom. In doing so it also completed the work of the American documents, and brought them back into contact with the deepest reaches of theological reflection in the West. The right to religious as well as political freedom has its foundation not in the Church, not in the state, but in the dignity of the human person. Human dignity is indeed known by reason as Deism claims, but Christians also know it through the revealed word of God. The first part of the Council document sounds extraordinarily American when it claims that human dignity demands that any man or woman be able to pursue religious matters, unimpeded by the state. A corollary of this is, of course, that the Church itself cannot be coerced by the state.

The Council, however, goes further and talks about freedom as rooted in Christian faith. Religious freedom implies that "God calls men to serve him in spirit and in truth. Hence men are bound in conscience but they stand under no compulsion." The love of God is not coercive, but calls for a free and loving human response and thus makes the exercise of human freedom necessary for religion. In Catholic terms our human life, if it is to reflect the dignity with which God endowed us at the Creation, must be a free witness to Christ. The classical American and Deist position negatively defined religious freedom as freedom from state or societal coercion. The Vatican document adds to that its positive side, stating that our human dignity, while assuring freedom from coercion, also demands that we freely respond to God's call and freely witness to his Truth.

As fascinating as the great world of religious freedom is, and as profoundly influential as the American docu-

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Father Healy is the President of Georgetown University. His text appeared in Georgetown's Annual Report 1986.

ments have been in shaping the dreams of men in every corner of the world, our immediate concern within the university is a subset of political freedom. In God's wide world each human person is called, by reason of his dignity, to pursue the truth in the fulfillment of his vocation. In the narrower context of the university, teachers and students are called to pursue this same truth, through disciplined and serious ways, in teaching and in learning. The call of freedom, indeed the call of human dignity, is the same for all human beings. In the context of the classroom, freedom from coercion is seen as a positive good, and one with enormous social implications. By guaranteeing and defending the freedom of its teachers and its learners, the university accepts its vocation as an institution within society formally charged to keep, pass on and make new the truth.

Among the many declarations of the Second Vatican Council, none is more important for universities than the pastoral constitution on *The Church in the Modern World*. The Council addresses itself first to the phenomena of human culture, and then passes almost directly into the world of teaching and learning. Beginning with the premise that there are indeed two orders of knowledge—faith and reason—and that they are distinct, the Council affirms in ringing terms "the legitimate autonomy of human culture and especially of the sciences." Most fascinating to a modern Catholic in this dense and rich series of documents is the sublime confidence with which the Council assumes there can ultimately be no serious conflict between the world of human learning and the world of faith. The Church does not give up her right to influence the course of human culture and indeed insists on that right clearly and unequivocally. Nowhere, however, does the Church claim so to dominate that culture as to make it merely a handmaiden of theological or ideological persuasion.

When the Council turns formally to the Church's universities, this confidence is even stronger. The words in which it is stated are deeply moving:

> The Church is preoccupied too with schools of higher learning, especially colleges and universities and their faculties . . . she seeks in a systematic way to have individual branches of knowledge studied according to their own proper principles and methods, and with due freedom of scientific investigation. She intends thereby . . . to have it seen more profoundly how faith and reason give harmonious witness to the unity of all truth.

If we put these two great insights together, the autonomy of human culture and its explicit expression in universities that depend on the Church, we find the exact dimensions and directions in which Catholic higher education in the United States has grown. Fully respecting the secular reality of the university as culture's principal instrument, the Church acknowledges that her task is to shape and influence the development of that culture. The Council admits the difficulty of synthesizing the various branches of the arts and sciences, precisely because of the proliferation of human knowledge. With sadness the Council acknowledges that the ideal of the universal man becomes rarer and rarer in the twentieth century. It is worth noting that one of the first indications of the Church's possible influence upon the university is to urge it "to preserve a view of the whole human person, a view in which the values of intellect, will, conscience and fraternity are preeminent."

The ideal is of course that the Church and society work together "to animate the cultural expressions and group activities characteristic of our times with a human and Christian spirit," always acknowledging that "the usages of society are to be the usages of freedom in their full range." The Council nonetheless lays upon those responsible for catholic universities and colleges the heavy duty to "form men who will be lovers of true freedom—men and women, in other words, who will come to decisions on their own judgment and in the light of truth, govern their activities with a sense of responsibility and strive after what is true and right, willing always to join with others in cooperative effort."

No summary as brief as this can transmit all the richness and openness of these great documents. Taken together they form a kind of theology of catholic higher education. In that theology the Church accepts the autonomy and secular reality of this century's major instruments of culture, among which the university must take a principal place. In full acceptance of the university's rhythms, norms and procedures, the Church then seeks to make her own moral and doctrinal presence felt by persuasion and understanding and is confident that properly understood her influence will be indeed enormous.

A given, however, of the entire process is that the Church must not substitute herself for the institutions of modern culture, any more than she must regard them from outside as enemies, or as by nature and instinct hostile. Her understanding that they are not enables her to proceed with confidence in opening herself and her faithful to the "usages of freedom." The haunting words that "wherever the truth be spoken, there speaks the spirit of God" underlie all of these great documents. They extend to the university world all the rich revelation of which the Church is keeper.

At the moment in the United States there is some tension between the teaching authority of the Church, called its *magisterium* and exercised by its bishops, and the autonomy of American catholic universities. That tension is unfortunate, because it is unnecessary, indeed, founded on confusion. The catholic university poses no challenge to the magisterium of the Church, or indeed to the authority of its bishops.

It might be good were we to clear away some misunderstandings and get our premises straight. First of all, I cannot talk here of seminaries or of The Catholic University of America, established as it is by the Holy See and offering degrees that only the Holy See can give. America's other catholic universities are different in structure and in their people. Among their faculties and students are many who are not Catholic. This needs saying, obvious though it is, because of the constant Roman

habit of referring to "lay members" as though they were all Roman Catholic. In the American context this reference is misleading and distorts reality. Finally, under American law and in reality a catholic university is not a form of the Church's life, but a secular entity (like a city) in which the Church lives, functions and exercises her influence on the lives of its members and even upon the processes of teaching and learning.

On the other hand, a catholic university is different from American secular universities, even though many of the latter were once religious foundations. In the catholic university, by tradition and option, faith is part of the atmosphere. The Church enjoys within the catholic university the fullness of her sacramental life and the presence of the ministers of that life. All catholic universities teach Catholic theology as a serious intellectual discipline. One third element may be added. In catholic universities, as both symbol of welcome to Catholic thought and indeed one of the principal instruments of its teaching, there is present a body of religious men or women, usually from the order responsible for the foundation of the university.

The second element, the teaching of Catholic theology, is at the moment an area of friction. The university's autonomous and free teaching of theology may seem to deny the Church's teaching authority. On the other hand, in the exercise of that teaching authority the Church can seem to deny the necessary autonomy of structure and freedom of instruction within the university.

Departures from the Church's teaching can arise in two ways. The first is a kind of "false pretense" where a faculty member teaches as authentic Catholic doctrine ideas and conclusions that the Church clearly rejects. We know that many Church positions, like all human things, are time bound. In the fourteenth century no catholic university could have taught a course on banking, since banking involved usury, and the Church was opposed to it. In the eighteenth and for much of the nineteenth century the Church disapproved of democracy and strongly condemned the deviation known as "liberalism." Any presentation of Catholic thought as though it were absolute and independent of time would be false. Even under that correction, however, a professor's job is to deal with his subject as objectively as he can. That objectivity concerns the university, if only because it must insist on some verifiable relationship between its catalog titles and the content of its courses.

A complicating element in any difference between a professor and the Church is one of scandal. The faithful may be seduced or misled on the invalid premise that because something is taught or done in a catholic university, it always and in all details follows authentic Catholic teaching. This problem is really based on a misunderstanding of the word "catholic" in a university's title. A university claims to be catholic generally and not distributively; its catholic status does not and indeed cannot guarantee the orthodoxy or probity of its individual members, either faculty or students. One need only consider the uneasy history of the Church's relations with universities (even in countries and times where the university was catholic because the entire society was) to realize that orthodoxy and above all probity of life cannot be guaranteed on any piece of ground simply because it is devoted to intellection, no matter how theological. The blue-nosed and humorous sixteenth century comment, "Scholaris quando loquiter cum puella non praesumitur dicere pater noster" [When a student speaks to a young woman, we should not take for granted that they are reciting the "Our Father."], is not a bad summary of centuries of distrust.

The kind of controversy that defines our problem today occurs when a professor, claiming to teach Catholic theology, teaches it in a way that either a local bishop, or the conference of bishops, or even the Holy See, finds doctrinally inappropriate. Here the Church has available to it many possibilities. The bishop can first directly or indirectly counsel the individual concerned. The issue here is not a professor's academic freedom, but the validity of his claim to be teaching the authentic positions of the Church. The bishop can, moreover, with great ease call upon others within and without the university to join him in the scholarly refutation of the ideas of which he disapproves. The Church has also at its disposal its own public forum where the bishop can speak a disapproval or indeed disavowal that would clearly reach the minds and consciences of the faithful and others. Finally, if all of these methods do not achieve the result the bishop desires, he has at his disposal a formidable array of temporary or permanent ecclesiastical penalties.

Conflict arises between the Church and the university when the two jurisdictions, episcopal and academic, are confused. The university has neither the duty nor the right to determine authoritatively the teaching of the Church, but must instead use its skill and freedom to influence respectfully the growth of the Church's understanding. In like manner the Church cannot claim to control the structure and penalties of the university, question its civil contracts, or call upon it to impose civil punishment or exclusion on any of its faculty members.

There should be no surprise at the existence of this particular tension, because both Church and university are perennially caught in the wrestle between authority and freedom that marks any complex society. We are familiar with that tension in civil society where, for a hard and overriding purpose like a war, citizens can give up some of their freedoms, at least temporarily. The Church is a human institution and suffers the same tugs. It too has times of exploration and times of consolidation. Like the university itself, with its debate about the relative importance of teaching and research, the Church has moments when it opens itself to an influx of new ideas and moments when it withdraws to absorb, to structure and to formulate them. Both the Church and the university could well follow Hamlet's hint to "observe the modesty of nature," a decent respect for each other's internal autonomy.

There are solid reasons for that modest approach. Much is at stake for catholic universities in their relation

to the Church. Their catholic status is part of their identity, and increasingly an acknowledged and cherished part. It preserves for them the best of their own past and tradition. It provides for them a rich millenarian center for their learning and teaching. And finally, Catholic theology is one of the few remaining possibilities open to modern man, particularly modern university man, in his reach towards the almost unimaginable "unity of knowledge," the pervasive dream of the university since the monastic schools first begot Paris.

The stakes are equally high for the Church, particularly in democratic America. Universities that define themselves as catholic are, in the clear terms of the Second Vatican Council, the Church's fullest and most immediate reach into the high culture of this nation. They are, in addition, her best source of leadership in the complex world her message must reach and strive by divine imperative to influence. Finally these same universities provide for the pilgrim Church the lay leadership of her own internal dialog, her own growing self-understanding, her own changes of structure, her own ceaseless creation of the Church of tomorrow.

The "good effects of freedom of conscience" are as great a challenge to the genius of the Church today as was the web of power and communication in the Roman Empire she so wisely used. It is too much to hope that the tensions of which I speak will ever go away. The tug within the Church between authority and freedom is as old as she is herself, and there is no reason to suspect that the tension between her teaching and the civil autonomy of the catholic university will be any less real. On the other hand, the catholic universities of America are a jewel of rich price in the Church's crown, and every instinct of her being should be to protect them. Hot rhetoric with cries of "tyranny" and "thought police" from the university, and of "heresy" and "scandal" from the Church are not much help to either.

Within the huge variety of American universities of which Georgetown makes a part, our freedom, for all its distant theological base, comes to us through the clear dictates of American law, and through the history of the university as an institution in the western world. Nothing that Georgetown says it does can be meant or should be read as denying the reality of that freedom. Our two hundred years of belief do not challenge freedom but make it more truly itself. Out of our own tradition we draw a graced understanding that knows that the necessary condition which opens us and the university we serve to the mystery of God's love is freedom.

In the give and take of an undergraduate classroom, in long probings of Georgetown's health with faculty members, in watching students and faculty together move across this good ground, I am always aware of how deeply that graced understanding separates us from other American universities. It is also the wellspring of our stubborn two centuries' claim to the title "Catholic." We earn that title by knowing well the difference it makes for us not just as believers and hopers, but more precisely as men and women whose love chooses to teach. Karl Rahner talks of that love, and spells out richly the sacramental nature of our work as teachers of the young:

> Wherever the human being as a totality experiences himself in freedom and choice, wherever in hope he takes on an obligation which really demands more than he can give and which cannot be justified from a worldly point of view, wherever he hopes against all hope, wherever he dares to love in a way that is too costly, wherever he believes in the light although everything is dark and in meaning although everything seems to be losing its meaning, he ... experiences the radicalized transcendentality of man into the incomprehensible mystery of God.

41

The Mission of the College of Saint Benedict: Its Catholic Character

Colman O'Connell, O.S.B.

I accept the President's Medal, symbol of the office of the President and of the authority and responsibility which the Board of Trustees has conferred upon me. I feel privileged to serve the College of Saint Benedict as its 11th President.

The mission of any college is the guiding principle against which each decision must be measured; therefore, during this past summer, I have reflected on the Mission of the College of Saint Benedict. Simply stated, the Mission of the College is to educate women in the liberal arts within a framework of the Catholic, Benedictine tradition. I have considered each of the four dimensions of the Mission and, although I am going to address each dimension briefly, I shall concentrate on the meaning of the Catholic character of education at Saint Benedict's.

The first dimension of the Mission, the liberal arts aspect of the College, is the College's principal purpose. Yet it is also true that Saint Benedict's offers a strong emphasis on the fine arts and takes pride in the quality of its professional education. The reality of education at Saint Benedict's is more diverse than simply liberal arts.

The College was founded to serve women; it is the second dimension of the Mission. We have served women from the region for over seven decades and our alumnae number over 10,000. Currently, over 60 percent of Saint Benedict's faculty are women. Now our commitment to women's education is enriched by our commitment to the education of both women and men as a result of three decades of cooperation with Saint John's University, our brother-Benedictine institution. The academic environment is more diverse and, the young men and women tell us, more interesting than it was when it was purely single sex.

A third dimension of the Mission is the Benedictine tradition which shapes the College environment. One hundred years ago next March, the Benedictine sisters were granted a charter by the State to establish schools, one of which was the College's predecessor institution, Saint Benedict's Academy. Throughout the years, the values which have continued to distinguish Benedictine education have included: the love of learning and the desire for God, the appreciation of community, the art of listening, hospitality, and the celebration of life in liturgical worship. The Benedictine presence continues among the faculty and administration and the stability of Benedictine tradition creates an appreciation of these values among the faculty and staff who are lay women and men. These women and men bring the values of their own lives to enrich the environment; this adds to the complexity of the College which can continue to be described accurately as Benedictine, supported by both lay and religious.

Each of these three essential dimensions of the Mission of the College of Saint Benedict—liberal arts, women, Benedictine—have a reality which is both true to the founder's vision and is more varied and complex than the Mission Statement might seem to suggest. This diversity and complexity provides a challenging environment designed to promote the growth of today's student.

For this occasion, it was tempting to explore any number of issues which are embedded in the consideration of the Mission which has guided the College since its founding. Topics might have included the balancing of professional and liberal arts goals; the examination of gender issues surrounding co-education; the preserving of a continuity of vision and Benedictine values amidst growth and change; or, a topic of perennial interest to faculty, the discussing of whether Plato, Newman, Whitehead, or we ourselves can best describe a vision of the liberal arts which is meaningful to today's students. I prefer today to examine the fourth dimension of the Mission—the Catholic character of the College.

All of higher education derives from ancient Catholic tradition which began in Medieval Europe. Each historical period and each country has defined for itself what Catholic higher education means. Ten centuries have not proved long enough for Catholic educators to settle upon a mutually acceptable meaning.

In the United States, for example, church-related institutions, like Catholic colleges, understand their relationship to their churches in a variety of ways. Colleges place themselves along the whole spectrum of church-relatedness. To illustrate, on one end of the spectrum, some colleges barely distinguish themselves from the churches that sponsor them; they are arms or agents of their churches. Their principal task is to pursue religiously inspired studies. On the other end of the spectrum, in contrast, are those colleges whose roots were religious, but which no longer associate themselves in any meaningful

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Sister Colman O'Connell is the President of the College of Saint Benedict. The text is her inaugural address, delivered on September 13, 1986 and originally published in the College's President's Report, 1985–86.

way with the churches which founded them. In the center, where the College of Saint Benedict and many other Catholic institutions stand, colleges in partnership with their church witness to their faith. Saint Benedict's, then, is neither an agent of the Church nor is it merely related to the Church through historical derivation. Instead, it proclaims with pride its heritage within the great traditions of Catholicism.

With full awareness of the difficulties surrounding any discussion of church relatedness, I still wish to share my personal reflections on the meaning of the Catholic character of education at Saint Benedict's—the fourth dimension of our Mission.

I visualize the Catholic dimension of the College as being comprised of three concentric spheres, similar to a box within a box within another box. For our purposes, the outer sphere is freedom of inquiry. This is the quality about which newcomers to the College are most concerned. It represents the most visible reality about the Catholic dimension of education.

The middle sphere is our community itself, the context in which our students and faculty live and learn, and which defines the characteristics of Saint Benedict's most frequently cited by alumnae as having been crucial to their intellectual, spiritual and personal growth.

The inner sphere is the least obvious but the most significant. The inner sphere is Gospel epistemology, a way of knowing derived from the Gospel. While less easily observed, this characteristic has been at the heart of education at Saint Benedict's, I believe, from the time of the College's founding.

Imagine with me, first, if you will, the surface of the outer sphere which begins to reveal the character of Catholic education at Saint Benedict's, freedom of inquiry. I realize that having lived within this tradition, I take intellectual freedom of inquiry for granted.

Newcomers to the College, however, sometimes ask whether they will be really free to explore knowledge wherever their research leads. They question whether faculty here know and respect the ancient traditions of scholarship which assume that truth will be best served by honest and thorough investigation. They seem comforted to discover that faculty and students at Saint Benedict's work in this tradition, which I know to be Catholic, and that they are not constrained but rather are freed and empowered to explore reality with confidence and to seek an even more profound understanding of truth.

Imagine, now, the middle sphere of the Catholic character of education at the College of Saint Benedict—that of community. At Saint Benedict's, community is believed to be not only the desirable but the necessary context for achieving the goal of education: the integrated person. The College is primarily an academic community, one which challenges students to develop a mature understanding of themselves, their world and their places in the world. In this academic community, faculty, knowing the goal of integration, design interdisciplinary experiences to help students put together the bodies of knowledge which they have studied separately. Even as faculty struggle to design such courses, many do understand that, in the end, synthesis will never be a purely curricular achievement. Instead, it will be a deeply personal achievement crafted by students with the help of faculty. It is an achievement which, I believe, is more possible when faculty and students from various disciplines come together willing to form community.

Not only is the College an academic community, but it is also a faith community, one originally modeled upon Benedictine monastic life. Life in this community is designed to support more than the intellectual growth of students; it is intended to challenge students to develop their full human potential and a mature understanding of Christianity with a lifetime commitment to its values. The College is a place where faculty and students live and learn together, where students discover their own strengths and limitations, and where they may grow away from self-centeredness toward other-directedness. In my experience, it is a place where students and faculty both discover and help create a community of relationships. The community then becomes a source of self-identity and wholeness, of affirmation and forgiveness. It is a place where students acquire and polish the skills they will use to create communities in their homes and work places and neighborhoods; as a faith community, the College of Saint Benedict is a place where students develop the understanding that the planet earth is a global community.

Campus life is designed to help students understand the profound and far-reaching implications of their own exercise of freedom and responsibility. We believe that ethical behavior—the responsible exercise of freedom—flows from a way of knowing God, a way of knowing which is fostered by daily community life at Saint Benedict's. The middle sphere, then—academic and faith communities combined—defines for many what is most Catholic about education at Saint Benedict's.

The inner sphere, which is at the heart of the education we claim to be Catholic, is Gospel epistemology, a way of knowing derived from the Gospel. We hold firm to the belief that our vision of life—of what it means to be human and of what it means for humans to pursue truth—this vision which is revealed to us by the Gospel, does indeed shape the educational process in a way which leads to the liberation and transformation of our students' lives.

While all colleges examine the world and the human condition, colleges like Saint Benedict's claim to do so with a difference. We claim to examine the human condition with the same thoroughness as others do and, in addition, we claim to make every effort to include, in that examination, the perspective of the Good News about human life found in the Gospels.

As I have sought to define the essential elements of the inner sphere—Gospel epistemology—the works of theologian-educator William Sullivan and philosopher Parker Palmer have provided insight. Sullivan reminds us, for example, that the message of the Gospel is not just a message about God or Jesus; rather, it is the good news for

and about humans. It is a message about God in relationship to each of us. Every Gospel statement, then, is a statement about the nature and destiny of us all.

While other religious traditions have different ways of describing the mysteries which surround human life—its source and destiny—the Gospel narrative, our tradition, tells us that we are all created by God, that we live in a world made new by the presence of God among us in Christ, that we share now in the resurrected life of Jesus, in the Spirit of God, while we await the time when His glory will be revealed in us. Growth in faith is the work of a lifetime and so is our struggle with understanding the implications of faith for education.

When I taught Shakespeare's comedies, all of which ended in joyous festivals and wedding dances, those plays did not seem to me hopelessly romantic but rather profoundly true to the human experience in the whole of life. The happy endings of comedies are not untrue to life if we can cling to the hope, promised in the Gospel message, that somehow there is life beyond death.

At Saint Benedict's, through the years, we have demonstrated these beliefs about ourselves and about our relationship to God and the world in our liturgical life and our moral teaching. Most importantly, we have attempted to live these beliefs in the way we approach the central activity of the College—the acts of learning and teaching.

Our conception of truth, of how we know it and teach it and learn it, the primary concern of the College, has been formed by the implications which can be drawn from Jesus' claim to be, Himself, the Truth. "I am the way, the truth, and the life." Many of us may not have consciously connected our conviction about the pervasively interrelational and interdependent character of reality with that claim of Jesus. We all understand, however, the simple wisdom behind Jesus' claim that truth would be found in Him, a Divine-human person whom we can know and love. Truth, He suggested, is personal.

Perhaps because we are a women's college, as well as a liberal arts, Catholic college, we have developed a way of knowing that is relational, intimate, personal and integrated. Parker Palmer, in his presentation of Gospel epistemology, articulates what we at Saint Benedict's, during our noblest moments, have intuitively held to be true about the way we know ourselves and the world about us.

Celie describes that world in Alice Walker's *The Color Purple* and says what we sense to be true about the oneness of all things, a oneness we have not wished to destroy even in our conception of reality.

One day when I was sitting
quiet and feeling like a
motherless child,
which I was, it come to me: that
if I cut a tree, my arm
would bleed.
And I laughed and I cried and
I run all around the house . . .

Appreciating that there are several valid ways of knowing, we respect the way of knowing which is dominant in American higher education, that of objective investigation, analysis, and experimentation. Nevertheless, we have wished to avoid dependence on any single way of knowing, preferring a multi-dimensional mode which, I believe, includes a mode derived from the Gospel. At Saint Benedict's, we feel called, through this way of knowing, to involvement, mutuality and accountability. We feel diminished by any mode of knowing which puts distance between us and reality or encourages us to manipulate that reality. Western culture has long been best at analysis, at separating and distinguishing, at cataloging specific differences. Of late, however, I am more impressed with the power of the Eastern mind to perceive all things in their essential unity.

I find that here at Saint Benedict's, we believe that the Gospel mode of knowing the world in its essential unity will prompt students to be participants in life and not mere observers, that it will help them experience their oneness with trees and stars and with the citizens of Soweto, South Africa. We believe that the Gospel mode of knowing will help students embrace the gift of the earth while they investigate it.

We pursue truth and we teach students to have not only an inquiring mind but also an open mind. We have learned from the holy men and women of every great spiritual tradition that we are not in search of truth so much as truth is in search of us. Truth is not evading us so much as we are evading the demands which truth might make upon each of us.

Francis Thompson's "Hound of Heaven" describes our fleeing from the Hound of Heaven, fleeing from truth, from Wisdom, from God:

I fled Him, down the nights and
down the days;
I fled Him, down the arches of
the Years;
I fled Him down the labyrinthine ways of my own mind,
and in the mist of tears,
I hid from Him and under
running laughter . . .
[I fled] from those strong feet
that followed, followed after.

For me, the truth about the Catholic character of the College of Saint Benedict is represented in the nested spheres—freedom of inquiry, community and Gospel epistemology. In accepting the President's Medal, I pledge myself to uphold the Mission of the College of Saint Benedict.

Saint Michael's College: Its Catholic Character and Academic Freedom

Paul J. Reiss

Concern about issues of academic freedom in the context of a Catholic college has prompted a request that I discuss with you this important subject as it relates to Saint Michael's College. For several decades, academic freedom has not been a major issue at Catholic colleges and universities in the United States. Faculty and students have enjoyed the same freedom to search for the truth as is experienced by their counterparts at other American colleges and universities. It does not appear to have been a major issue at Saint Michael's, at least for many years.

Concern has arisen, however, by reason of the attention given during this past year to the withdrawal of an ecclesiastical commission from Father Charles Curran at The Catholic University of America and to a proposed Schema (or outline) for a pontifical document on Catholic universities. The Catholic University in Washington, unlike other Catholic colleges and universities, is chartered by the Church and has three ecclesiastical faculties: philosophy, theology and canon law, the members of which must have special commissions to teach in the name of the Church. It was this commission that was withdrawn from Father Curran.

The Schema for a Pontifical Document

While the Curran case by reason of the special circumstances of an ecclesiastical faculty at a pontifical university has limited relevance for Saint Michael's, the proposed Schema is potentially much more significant.[1] A draft of this Schema was circulated for response around the world. Responses from Catholic colleges and universities in the United States and from the Board of Directors of the Association of Catholic Colleges and Universities have been submitted to Cardinal Baum, Prefect of the Sacred Congregation for Catholic Education.[2] It is fair to say that the responses have generally been very critical from both theoretical and practical viewpoints. Apparently similar responses were received from other areas of the world. The draft will undoubtedly be substantially revised. Many have suggested that such a pastoral should not be issued at all. Pope John Paul II has recently indicated, however, that he wants to issue a pastoral on Catholic higher education.[3]

The Schema itself recognizes a basic problem in attempting to develop a document for the entire world: "In such diversity of situation a precise law for application uniformly to all Catholic universities appears impossible."[4] Undaunted by its own observation, the Schema then proceeds to lay down some very precise norms for all Catholic universities. The norms with the greatest relevance for academic freedom include the following:

> *Article 9.1:* "The episcopal conferences and the diocesan bishops concerned have the duty and the right of seeing to it that in these universities, the principles of Catholic doctrine are faithfully observed."
>
> *Article 26.1:* "All teachers who are to be chosen, nominated and promoted in accordance with the statutes are to be distinguished by academic and pedagogic ability as well as by doctrinal integrity and uprightness of life so that they may cooperate effectively to achieve goals of the university."
>
> *Article 26.2:* "Teachers who lack these requirements are to be dismissed, observing the procedures established in the statutes or equivalent document."
>
> *Article 27.1:* "Catholic teachers or researchers shall carry out their tasks faithfully observing the principles of Catholic doctrine."
>
> *Article 31:* "Those who teach theological subjects in any institute of higher studies must have a mandate from the competent ecclesiastical authority."
>
> *Article 9.3:* "If the Catholic character of the university continues to be compromised in a serious way, the competent ecclesiastical authority may declare the university to be no longer Catholic."

The Catholic College in America

The understanding of the nature of a Catholic college which forms the basis for these proposed norms is clearly at variance with that known and accepted in the United States, especially by college faculty and administrators and, I believe, also by members of the hierarchy. In attempting to address some very real issues of legitimate concern to the Church, the Schema fails to recognize the unique character and situation of the American Catholic

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Dr. Reiss is the President of Saint Michael's College. His paper was presented before the College's Delta Epsilon Sigma chapter at its December 3, 1986 Convocation.

[1] "Proposed Schema for a Pontifical Document on Catholic Universities." Congregation on Catholic Education, 1985.

[2] "Catholic College and University Presidents Respond to Proposed Vatican Schema." *Origins*, Vol. 15, No. 43 (April 10, 1986).

[3] Talk to the plenary meeting of the Congregation for Catholic Education, November 13, 1986.

[4] *Schema*, Proemium, Article 48.

college. It is my conviction that this failure is in turn based upon ambivalent conceptions of the nature of the relationship of the Church to colleges and universities. I find two statements on this relationship in the Schema not only fundamental to the whole issue but also contradictory:

> "The Catholic university is an expression and a presence of the church in the world of culture and higher education."
>
> "It [the Catholic university] exists within the Church and is part of it."[5]

Here, I believe, is the basic problem: Saint Michael's College, along with other American Catholic colleges and universities, is "an expression and a presence of the church in the world of culture and higher education." Indeed, I would contend, an *effective* expression and presence, one that can and should become even more conscious of and effective in this role. However, it does violence to the history and character of Saint Michael's College to conceive of its existing within the church and being a part of it.

There are some misunderstandings about the nature of American Catholic colleges which apparently exist on the other side of the Atlantic. Most Catholic colleges in this country were founded by groups of religious men or women; in the case of Saint Michael's, it was the Edmundites. The foundings were usually, although not always, welcomed by the local bishop, but it is important to point out that the colleges came into existence through charters granted by the State, not through charters or mandates by the bishop or an episcopal conference. This is not the case in every nation but is so in the United States. Furthermore, the institutions can continue to award degrees recognized throughout the society by reason of the accreditations which the colleges receive from regional and specialized accrediting associations. Saint Michael's is chartered by the State of Vermont and receives its accreditation from the New England Association of Schools and Colleges.

Saint Michael's College, again like almost all private colleges and universities in the United States, is owned by an independent self-perpetuating Board of Trustees. Today almost all of these boards have a predominance of lay members. Both religious and lay members, however, are dedicated to maintaining the mission of the College as an independent Catholic college. As an independent college, the College is not controlled by nor directly supported by the State as are the public colleges and universities. It is also not controlled by nor supported by the institutional Church. It is a free, autonomous, independent and Catholic institution supported primarily by the tuition of the students who choose to attend. Many of these students are eligible to receive federal and state grants and loans to attend because the college is independent. The College is also supported by alumni and friends, including especially the voluntary contributions of the Society of Saint Edmund.

[5]*Schema*, Proemium, Article 17.

Throughout the history of American Catholic colleges, there has been a struggle for acceptance as quality American colleges. It has been successful at Saint Michael's and elsewhere. The restrictive and protective parochial institution is an image of the past. Not only the major American Catholic universities such as Notre Dame, Fordham or Georgetown but a number of small colleges such as Saint Michael's have become accepted and respected in American higher education as institutions which fully meet the essential requirements of quality academic institutions. These institutions, while retaining their Catholic identity and character, are institutions at which faculty with excellent qualifications, including degrees from the most renowned universities, desire to teach and carry out their scholarly work and where fine students are able to pursue their studies in every field with freedom and challenge. Upon graduation, they are accepted as well qualified for advanced study at other institutions and for positions in business and the professions.

Academic Freedom

A critical condition for this acceptance of Catholic colleges and universities today is the adherence to principles of academic freedom. In the case of Saint Michael's, these principles are incorporated into the faculty regulations as follows: "a) Faculty members, as teachers and scholars, have the freedom to seek truth in research as they see it and as their professional training directs them to it; b) they have the freedom to publish the results of their research; c) they have the freedom to plan courses and discuss their subjects according to the dictates of their training and knowledge; d) they have the freedom to speak or write on public issues as citizens without institutional censorship or discipline."

"Recognizing the responsibilities imposed by the principle of academic freedom, faculty members agree to respect the following:

"a) In lecturing or teaching, they should not maintain a position contrary to the basic mission and goals of this institution. While free to discuss objectively any political or religious doctrine in which they have competence, and to state their position, they should respect the freedom of the students to take a contrary position and not penalize them for it.

"b) When speaking or writing as citizens, they should remember that the public may judge their profession and their institution by their utterances; hence, they should make every reasonable effort to be accurate, exercise appropriate restraint, show respect for the opinions of others, and indicate that they are not speaking for the institution."

This academic freedom implemented at Saint Michael's and elsewhere is not a concession to the requirements of secular society. Rather, it is absolutely essential if the College is to serve the Church and be a presence of the Church in the world of culture and ideas. With academic freedom, the Catholic college and its faculty have credibility in the intellectual world.

This freedom and autonomy of the Catholic college is

also essential for the development of Catholic teachings. It permits these teachings to be brought into the mainstream of intellectual developments not only in theology but in the several academic disciplines. It enables Catholic thought to grow and develop through dialogue with other fields and other scholars.

The concept of a Catholic college as being "within the Church," as a college being governed primarily by the need to transmit the truth already known without challenge or criticism from those with different views, and with instruction being a process of indoctrination, is a concept which will certainly not serve well the students of Saint Michael's and indeed will not serve the Church.

Freedom For Catholicism

We should be mindful that intellectual and religious freedom must also be extended to the Catholic Church itself. The Church has not only a sacred obligation but indeed a right to have its doctrinal and moral thought presented to the faithful in a clear and sympathetic manner. Bishop Marshall of Vermont has rightly called for academic freedom for Catholicism. Students attending a Catholic college, especially, should have the opportunity to develop an understanding of the Catholic faith as promulgated by the Church. Saint Michael's and other Catholic collegs should make available to their students a curricular and extra-curricular program which fosters a development of a mature understanding of the faith.

We must also take recognition of the fact that many students advanced in other areas of knowledge come to the College with a very meager understanding of their Christian faith. We should provide an opportunity for these students to develop an understanding of their faith which may then be subjected to critical evaluation and analysis. We should not, for example, emphasize issues in dispute among leading theologians before the student has had an opportunity to grasp at least a rudimentary understanding of the principles of the faith that are at issue. It is simply poor pedagogy.

The teaching authority and responsibility of the Church, the Magisterium, and the responsibility and role of a college or university are indeed different. As a result, there will from time to time develop a tension between the two. We can preclude this tension from turning into conflict if both the Church and the College recognize the legitimate interests and rights of the other. Of course, the Church seeks a clear and pre-eminent presentation of its official teachings at a Catholic college. Of course, the College seeks to maintain a context of academic freedom. There need be no inherent conflict between the two.

A Catholic college with academic freedom is going to run the risk from time to time that its principles of academic freedom will be poorly understood by its various publics. Archbishop Rembert Weakland of Milwaukee recently offered a helpful clarification. After pointing out that the teachings of a specific theologian on the faculty at Marquette University were clearly at variance from the official teaching of the Church, the Archbishop stated: "My criticism of a Marquette theologian is not meant as a criticism of the university providing for his work. Major American Catholic universities long ago adopted academic freedom. This was done not as a compromise of ideals to secular reality but as a way to make those institutions more effective in service to the Church. . . . We all must learn in a free society to discern right from wrong, truth from falsehood. Gaining such maturity is demanded of all of us and should result from the whole education received in a Catholic university."[6]

The concept of the American Catholic college being within the Church and part of it does not accord with the reality as we know it, nor the ideal. It is for this reason that Father Hesburgh, the President of the University of Notre Dame, in response to the proposed Schema stated: "The terrible dilemma is that the best Catholic universities are being asked to choose between being real universities and being really Catholic when, in fact, they are already both."[7]

Really Catholic?

How in the context of academic freedom may a Catholic college be "really Catholic"?

The answer, I believe, lies in the concept of the Catholic college as "an expression and a presence of the church in the world of culture and higher education." I would submit the following as characteristics of a college which fully respects academic freedom and is really Catholic:

1. There is a free and diligent search for the truth on the part of faculty and students concerning every aspect of God's creation motivated by a faith in its goodness and in a humankind redeemed by Christ.

2. There is a commitment to the development in freedom of the human intellect as a process which enables us to become more human and which, therefore, brings us closer to God.

3. There is an opportunity for a continual dialogue between the Catholic faith and reason with each developing in the light of the other.

4. The study of human religious experience is accorded an appropriate position within the liberal arts and sciences. Theology and other disciplines are studied in relation to each other.

5. There is an opportunity provided for each student to grow in the knowledge of his or her faith.

6. Attention is given by faculty and students to issues of justice and peace in the context of Christian social principles.

7. There is a global perspective in curricular and extracurricular activities based upon the conviction that all peoples are united in God's family and upon the universality of Catholicism.

8. Serious attention and concern is given to the spiritual and moral development of students as well as to their intellectual development. This is reflected in the character of student life on campus.

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[6] "Herald of Hope" *Catholic Herald*, March 21, 1985.

[7] "The Vatican and American Catholic Higher Education" *America*, November 1, 1986, pp. 247-250.

9. There is a campus community of faith manifested through the liturgy and also through a personal concern of the members of the community for each other.

10. The college identifies itself as Catholic and attracts to it faculty, staff and students who seek to participate in the intellectual, social and spiritual life of a Catholic college.

It is through these characteristics that Saint Michael's is and shall remain a Catholic college, an expression of the presence of the Church in higher education. It is through these characteristics that Saint Michael's is different from secular colleges and universities.

In general, Saint Michael's and other Catholic colleges in the United States have been successful in being both Catholic and respected colleges and universities. Catholic colleges in the United States, roughly half the total in the world, are the most vigorous and effective of Catholic colleges on earth.

The Future Agenda

The Vatican does have reason to be concerned about Catholic colleges. We need to be frequently reminded of our mission. We need to be reminded that vigorous efforts are required in order to maintain and further develop the Catholic character of our college. We need to have that concern highlighted for us here at Saint Michael's. It is important for us, for example, to redouble our efforts to bring to the faculty and staff of Saint Michael's persons who seek to support the mission of this college as an independent Catholic college of high academic quality.

We must point out the serious error in attempting to preserve the Catholic character of Saint Michael's by attempting to bring it within the juridical power of the Church. But at the same time, we must work hard to maintain and further develop the true Catholic character of Saint Michael's. It will remain Catholic only so long as we are determined that it be so.

In conclusion, let me bring to your attention the words of the 1980 letter of the American bishops on *Catholic Higher Education and the Pastoral Mission of the Church:*

"Academic freedom and institutional independence in pursuit of the mission of the institution are essential components of educational quality and integrity: commitment to the Gospel and the teachings and heritage of the Catholic Church provide the inspiration and enrichment that make a college fully Catholic."[5]

These, I am convinced, are the principles which should guide Saint Michael's College.

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[5]*Catholic Higher Education and the Pastoral Mission of the Church.* Part Two, "Identity and Mission." Washington, D.C.: United States Catholic Conference, 1980.

Dissent In Catholic Universities

William J. Rewak, S.J.

Discussions have been rife these last months on Catholic university campuses about what some consider the Vatican's recent heavy-handed use of its authority. Father Charles Curran of The Catholic University of America has been ordered not to teach Catholic theology; Archbishop Hunthausen of Seattle has been relieved of his teaching authority—though he's been allowed to retain administrative and financial authority. Father Michael Buckley, S.J., of the Jesuit School of Theology at Berkeley, had been questioned last spring concerning his purportedly irresponsible action in signing a statement in 1977 concerning the ordination of women; after a formal investigation, however, he was allowed to accept his position as a resident theologian in Washington, D.C., for the American bishops.

And there has been that current difficulty in the Church's new Code of Canon Law: a statement requiring those who teach theology in Catholic universities to receive beforehand a mandate, or permission, from the local bishop. In addition, a draft of a new pastoral letter Pope John Paul II wants to publish regarding Catholic higher education was recently issued, a draft all the Catholic university presidents were asked to comment upon. They've objected to it very strongly and there have been indications that some changes will be made—though recent events might indicate to a perceptive Vatican watcher that the Pope is not easily persuaded to change his mind or, as he sees it, to back down on strongly held principles.

I will not elaborate on the specific cases just mentioned—except to draw my conclusion in the context of the Curran controversy. Rather, I want to say something about Catholic university education while allowing those specific cases to function as background.

It is normal that the question would arise in our minds: what is the future of Catholic education if the isolated instances I have cited become a well-woven pattern? Bishop Matthew Clark, of Rochester, New York—Father Curran's bishop—released a statement on March 12, 1986, before the Vatican issued its order, and he said this: "If Father Curran's status as a Roman Catholic theologian is brought into question, I fear a serious setback to Catholic education and pastoral life in this country. That could happen in two ways. Theologians may stop exploring the challenging questions of the day in a creative, healthy way because they fear actions which may prematurely end their teaching careers. Moreover, able theologians may abandon Catholic institutions altogether in order to avoid embarrassing confrontations with Church authorities. Circumstances of this sort would seriously undermine the standing of Catholic scholarship in this nation, isolate our theological community and weaken our Catholic institutions of higher education."[1]

Such a concern gives rise to three important questions: Is there a place for freedom of intellectual inquiry in a Catholic university? Is there a place for responsible, and public, dissent? And how valuable is the pluralism of an American Catholic university? For pluralism does not seem at the present time to fit into the pattern the Vatican is weaving.

Was George Bernard Shaw right after all—that "Catholic university" is a contradiction in terms? Or, to be more contemporary, is Denis O'Brien, President of the University of Rochester, correct when he says, "The traditions of church and university are radically different ideological traditions, and nothing but disaster results from assimilation...these traditions are in conflict, and so an attempt to blend university and church into one happy, syncretic whole will end in the corruption of both"?[2]

Let us look at the first question: Is there a place for freedom of intellectual inquiry in a Catholic university?

Two considerations impel us to answer an obvious "yes" to that question. The first involves the very nature of the mind itself. Looked at epistemologically, inquiry is as much a part of the brain as are the blood vessels and nerve endings; it is the process by which the intellect searches for meaning. "Human intellect," says Bernard Lonergan, "belongs to the realm of spirit...(and) Its knowing is process." And that process, he says, "is the prolonged business of raising questions, working out tentative answers, and then finding that these answers raise further questions."[3]

Father Rewak is the President of Santa Clara University. His text is a revised version of an address delivered at Santa Clara's Faculty Convocation, September 19, 1986.

[1]Quoted in Richard McCormick, "L'Affaire Curran," *America*, April 5, 1986, p. 267.

[2]"One, Holy, Catholic and Somewhat Infallible," *America*, April 4, 1987, p. 276.

[3]"Insight: Preface to a Discussion," in *Collection: Papers by Bernard Lonergan, S.J.*, ed. by F.E. Crowe, S.J., Herder and Herder, 1967, p. 156.

The dynamism of the intellect, in other words, forces us to keep probing; it is of the nature of the intellect to want always to know further. This is, for all of us, an experiential fact. It is what we do in a university, and as long as we are a university, we will continue to do that—whether our minds are Catholic minds or Lutheran minds or Jewish minds.

But the second reason why we should say "yes, there is a place for intellectual inquiry in a Catholic university" involves both the nature of truth and our apprehension of it. And here we touch upon what it means to be "Catholic."

Admittedly, Catholic universities adhere to certain values. They are outlined in our statements of goals and they are part of our lived experiences on campus: liturgy and prayer are important values; the struggle for an integrated morality is an important value; the respect for life is an important value; and the ordinary teachings of the Church are important values. But truth is also an important value. After all, Truth is, ultimately, God. The Church is therefore as much committed to the truth as a university is; indeed, over the centuries the Church has recognized that the particular modality in which the Catholic university carries out its mission of service is in seeking the truth, with all the critical intelligence at its command.

But there is no doubt that the consistent stance, if you will, of the formal "teaching" Church—the magisterium—is to protect and guard the truth; while the consistent stance of the university is to elucidate, question and explore the truth. What must be asserted with all due respect is that these two stances are not incompatible. It is dialogue, discourse, and mutual respect which make compatibility possible.

And I am not saying that the Church's approach to truth is absolute while the university's is relative. Truth, that value we continually strive for, is not relative, but our apprehension of it is always partial; we are never in complete command, at any one point in history, of the fullness of reality or of God's revelation. And that is only because we live in space and time; we progress through mistakes to a small understanding of one aspect of truth. We are not disembodied intellects, all-knowing and completely, simultaneously aware of all of reality. We are incarnate: we are stuck in matter and we live in dimensions. And so being committed to the truth—even with a capital "T"—is not the same as possessing it, whole and entire, consciously and articulately, at any given moment. We are always groping, with assurance and with humility, toward understanding.

For revelation is both a-historical—coming as it does from the timeless essence that is God—and historical: the Word is spoken and imbedded in history and we must therefore look to the unfolding of history for the continuing incarnation of that Word.

There must, ultimately, after the last star has faded and after the last voice has spoken, be only one truth, even though we experience different facets of it. Then why be afraid of seeking it? If we trust that God is good, that He has reached down in some mysterious way and made us a part of His life, then we cannot, if we are humble and honest, be too far wrong in our seeking. Mistakes, yes. But honest ones. The important thing is that we keep moving, haltingly but determinedly, toward Him.

I do not deny that some self-conscious integration is necessary in a Catholic university. Prudent balancing is called for when we are institutionally committed to something we accept with faith and at the same time obligated in a professional way to question that which we believe. But that is the only way theological understanding in the Church grows; it is the only way we learn more about what we believe. Anyone familiar with the vagaries of past pronouncements by various Church councils knows that we believe and accept things as true today that we did not accept 500 or 1000 years ago. That fact does not undermine the teaching authority of the Church; it is only to say that we do understand ourselves, our social nature, our relationship with God in a better, more enlightened way. We become ever more precise in the articulation of our understanding.

And on a personal level, integration is called for. If we are religious persons, we have to respect what our religion teaches, accept it with humility, but be ready to question it *so that we may understand it better*. Integration is not always an easy matter: our lives are filled with compartments; the schizophrenic is the one who jumps from compartment to compartment without seeing any relation among them. And so the tension between faith and inquiry will always remain a part of our inheritance as human beings. But it is both possible and necessary to strive to integrate them—through discourse, through clear and humble scholarship, even through prayer.

As a Catholic, therefore, as a Jesuit priest, I believe very strongly in certain issues, but that does not prevent me from studying those issues with enlightened and respectful scrutiny. As a Catholic university, we are committed to certain traditions and values, but that commitment does not prevent us from applying to them the gift of our intellect; rather, *it is precisely through the operation of its critical intelligence that a Catholic university serves the Church.*

Father Richard McCormick, in his *America* article on the Curran controversy, wrote: "...discussion and disagreement are the very lifeblood of the academic and theological enterprise. We all learn and grow in the process, and it is a public process. Without such theological exchange and the implied freedom to make an honest mistake, the magisterium itself would be paralyzed by the sycophancy of theologians."[4]

The second question is more difficult and takes its cue from Father McCormick: Is there a place in a Catholic university for responsible, and public, dissent from ordinary Catholic teaching? For if we allow freedom of inquiry, dissent will be an inevitable by-product.

Archbishop James Hickey of Washington, D.C., said last August, in referring to the norms established by the

[4]Op. cit., p. 264.

United States bishops in 1968 for public dissent, that they are "simply unworkable. Indeed, the Holy See has gone on to clarify that for us and to say there is no right to public dissent."[5] His statement came as a surprise to the U.S. Catholic Conference; but it does indicate that, regarding dissent, we are witnessing both a growing uneasiness within Vatican walls and a hardening resolve on the part of some members of the hierarchy.

What does a Catholic university do in the face of such a resolve?

An easy answer, though a valid one, would be to underline the primacy of academic freedom in a university setting. It is, however, not the complete answer, because dissent by itself is not the central issue. As a matter of fact, despite the general tenor of Archbishop Hickey's statement, even quite traditional theologians often view dissent in the Church now "much more realistically and positively—as the ordinary way to growth and development," as McCormick has written.

In other words, *in order to protect the intellectual vitality of the Church's understanding of itself, responsible dissent is not only allowed, it is required.* The controversial issue, as both Archbishop Hickey and Father McCormick have suggested, is *public* dissent.

First of all, we must acknowledge the nervousness that certain groups in Rome feel about dissent—and especially about dissenting Americans. The nervousness is historical, with roots in the Modernist controversy of the last century; and Pope Leo XIII had problems with "Americanism" at the start of the present century. Rome does perceive us at times as a dissenting part of the Church. They feel, perhaps, that they are dealing with 13-year-old adolescents, and we should be honest enough to admit that we have not infrequently acted that way. Americans can be feisty; but I think our theologians do understand that dissent, handled responsibly, with study and humility, is "a way of getting at things, a part of the human process of growth in understanding." (McCormick) The fact remains that we will continue to have to deal with the differences between our approaches to theological investigation: Rome tends to be prescriptive; America tends to be dialogic.

Secondly, in today's world, we cannot avoid that dissent will be public—especially in sensitive matters. With modern communications, with the immediate availability of information, with the interest of the media in the Church, it is inevitable that any controversy surrounding those issues which do touch the lifeblood of the Catholic Church—or even appear sensational to the media—will become public.

Public dissent, however, is not always and necessarily desirable. It can foreshorten reflection and often makes careful scholarly work difficult: it is almost impossible for the media to handle complicated and thorny issues. But the fact is that dissent will be public. My point is that we cannot step back from dissent simply because of its inevitable publicity; however, dissent must always be handled in a respectful and responsible manner. And it must avoid confrontational tactics: such tactics only harden positions and make accommodation and workable solutions impossible. A scholar's mind is open and humble—but honest.

Karl Rahner asked this: "What are contemporary moral theologians to make of Roman declarations on sexual morality that they regard as too unnuanced? Are they to remain silent, or is it their task to dissent, to give a more nuanced interpretation?" And his answer is, "I believe that the theologian, after mature reflection, has the right, and many times the duty, to speak out against a teaching of the magisterium and support his dissent."[6]

Father Rahner always insisted, however, that such dissent be handled with love for the Church.

What if such dissent is not responsible, is not handled with love for the Church? What if such dissent is not advanced within the context of a dialogue but only serves to harden positions and cause intellectual collision?

I suspect there are situations existing on a Catholic university campus here and there where a president would be very happy to see a tenured theology teacher resign. A bishop now and then must throw up his hands and wonder in stark amazement about some of the ideas being discussed and preached under the guise of responsible theological scholarship. But those cases are minimal when compared with the deep commitment, honest scholarship, and careful thought that characterize our theology departments. An aberration here and there is an unfortunate but reasonable price to pay for an intellectual freedom that the Church must have if it is to grow in its understanding of itself. The alternative is unreasonable, for to stifle such an aberration, with some form of censorship, is to put in jeopardy that far greater good of theological development.

Peer criticism has always been much more effective, historically, than censorship. But peer criticism is only possible if the study of theology is accepted by the magisterium as a public function of the Church. To some extent, it has always been public—wars have been fought over opposing theological claims—but it has become more so in recent years. However, if we take Vatican II seriously, such public theological activity, always recognizing the requirement of competence, is enjoined on the whole Church: "all the faithful, clerical and lay, possess a lawful freedom of inquiry and of thought, and the freedom to express their minds humbly and courageously about those matters in which they enjoy competence."[7]

It is clear, I hope, that I am not opting for theological anarchy. Mistakes and irresponsibility are regrettable, and authorities in a Catholic university have an obligation to minimize, as far as lies in their power, the scandal that can be caused by such mistakes and irresponsibility. And there is a serious obligation on the part of the Church authorities, as far as lies in their power, to help maintain a theologically astute and steady course toward truth. But it is still true that the end does not justify the

[5] *National Catholic Reporter*, September 5, 1986.

[6] *Stimmen Der Zeit*, 1980, quoted in McCormick, op. cit.

[7] *Gaudium et Spes*, no. 62.

means: the goals of purity of doctrine and of clarity of understanding are valid, but they cannot be sought using means that vitiate the process of understanding.

So, yes, we run the risk of false scholarship and irresponsible behavior. But it's a risk we have enthusiastically agreed to and one we monitor with both the professional academic safeguards of peer review and a clear understanding of the traditions of our institutions—in a pluralistic, academic context where we cannot and ought not to exclude from our consideration any facet of the diamond of God's creation.

That brings us to the third question: How valuable is the pluralism of the American Catholic university?

It is a valid question: the Vatican appears now somewhat uneasy with pluralism. In its initial stages certainly, the pastoral letter on Catholic universities to be issued in the near future by Pope John Paul II emphasizes the dangers of pluralism. The letter's message seems to be that everyone should say and think the same thing in order to ensure that doctrine is kept safe. But universities, it must be said, ought not to be safe; they should be alive and bustling. The American university, especially, is used to pluralism. We are a nation of many religions, of many peoples, of many languages. Respect for the human conscience and for religious liberty is a cornerstone of our nation; indeed, in Vatican II, thanks to the Jesuit John Courtney Murray, that notion became a part of the Church's consciousness of itself.

Humanity, made up of billions of differently-shaped pieces of flesh, finally, in the whole, composes the face of God. We should honor that difference, dialogue with that difference among ourselves, understand our differences to see where our love fits together.

It seems to me, therefore, that a university, if it is to be catholic, with a small "c," must emphasize pluralism—that's really a tautology. It must reach out to everyone and leave no part of creation untouched. It must embrace creation. Be critical, yes, but be loving, too.

But if a university is to be Catholic, with a capital "C," it must also emphasize pluralism. As Joseph Komonchak recently observed, "The adjective 'Catholic' was first employed by church fathers precisely in opposition to sectarian and regional claims; it referred to the broad, worldwide communion of churches engaged in their creative and transformative encounter with the ancient culture."[8]

We cannot honor and do justice to the astonishing diversity of God's gift of creation if we do not open ourselves to it.

In summary: we are being true to our mission as a Catholic university 1) only if we are engaged honestly and unrestrictedly in intellectual inquiry; 2) only if we are allowed to dissent—and the dissent is couched in sincere terms of a dialogue—in order that our understanding of our role in the Church's mission can grow, and so that the Church's understanding of itself can grow; and 3) only if we embrace pluralism. Those three values are unreservedly necessary for the vitality and effectiveness of a Catholic university. Without those values, we are not a Catholic university.

For both the Church and the university have the same goal: to set people free so they may live the freedom of the children of God.

And Catholic universities passionately espouse all the traditional values of the Church: its struggle for wisdom, its adherence to the gospel message, its ecumenism, its deep reverence for the liturgy, its predilection for the poor (nowhere but in America, by the way, do Catholic universities do so much in the form of community service and scholarship aid for minorities and underprivileged). Indeed, in today's world, there is probably no more crucial concern shared by both the Church and Catholic universities than the search for justice.

With such common concerns, should we not be able to dialogue without recrimination or fear of censorship? The Catholic university, to remain true to its calling, needs constant dialogue with its traditions; the Church, to be able to give to the world, needs constant dialogue with the world.

And so the question is inevitable: What if we, at this university, were presented with the same situation as was presented to The Catholic University of America? First of all, of course, there are differences: that University has divisions chartered by the Vatican; American bishops comprise a certain percentage of the Board of Trustees; and the Catholic theologians there are expected—certainly by the Vatican—to represent Catholic teaching in a much more formal way than they are in other American Catholic universities. That needs to be said, because if a theologian were ordered to stop teaching, we would—given the American legal and educational system—have a much harder time than Catholic University in complying with such a directive; we would not be able to comply with it. But it is also true that The Catholic University of America, since it, too, is subject to accreditation and empowered by the state to give civil degrees, will certainly have a difficult time if it decides to heed the Vatican directive.

And here I must make a distinction between the university's response to such a directive and the individual professor's response. A university, when it grants tenure, makes a contractual agreement with a professor that binds the university to maintain the employment of that professor—barring those circumstances usually made explicit in the contract. The professor, however, is not so bound. Ordinarily, he or she can leave at the end of the year with impunity, by choosing not to sign the annual contract.

The university, therefore, cannot eliminate tenure or remove a professor from the classroom simply because an outside agency forbids a professor to teach. A professor, however, may very well decide—because of a special bond of obedience which he respects; because of the greater good or perhaps to avoid further scandal; or for personal reasons—to cease teaching, and even to give up tenure. But this is a personal decision made apart from

[8] "Issues Behind the Curran Case," *Commonweal*, January 1987, p. 43.

the institutional commitment to him. He can decide to give up his right to tenure, but the university cannot order him out on the basis of an external directive.

However, quite apart from the legal and educational constraints, my point is that such compliance on the part of this university would not be desirable, and could not be assented to, *precisely because we are a Catholic university, and precisely because of our love for the Church.*

One last thing: I don't think we can be a true Catholic university without taking risks. Moses took a risk when he went to the Pharoah one day and said, "I have a message for you." Jesus took a big risk when He said, "I have one thing to say to you, love one another." Teresa of Avila took a risk when she started travelling around to monastaries and convents and compelling them to a more evangelical way of life, and Ignatius Loyola took a big risk when he started a new religious order, and new schools, with no money.

Because of risks, history is changed. It moves suddenly closer, with clearer purpose, towards final meaning, final understanding.

So we should not be afraid of taking risks with our intellects, with our ideas and our criticism. Not all ideas are good, we should be honest in our criticism, but most ideas are worth investigation. We are here to extend human knowledge; and as far as I am concerned, that is also to learn divine wisdom. In the final analysis, they ought not to be separated.

Beyond "Dissent" and "Academic Freedom"

David B. Burrell, C.S.C.

Just ten years ago a group of college and university faculty and administrators gathered at Notre Dame with a similar group of bishops to explore ways in which Catholic higher education could better contribute to the mission of the church. Co-sponsored by the United States Catholic Conference, this colloquium intended to herald a new era of collaboration after a post-conciliar decade of concern for the legitimate autonomy of Catholic colleges and universities. The animating force behind the meeting had been the Salamanca (1973) and Delhi (1975) gatherings of the International Federation of Catholic Universities, where it became clear to American delegates how fortunate we were in the fund of faith and competence engendered in our Catholic colleges and universities. How to tap that rich heritage to further the church's mission? How to engage educational administrators and bishops in sharing a vision for a common mission?[1]

Like so many gatherings of that sort, it proved inspiring and fruitful to those who participated. We were to be blessed with a bishop in Fort Wayne-South Bend whose pastoral imagination welcomed higher education—largely because William McManus understood education so well, and the entire conference profited from the direction and support of Archbishop Jean Jadot as Apostolic Delegate. The Association of Catholic Colleges and Universities, in association with the National Conference of Catholic Bishops, had already piloted an *ad hoc* committee of bishops and presidents to oversee areas of potential conflict, and this conference explored the potential for interaction. One might surmise that the confidence with which administrators of Catholic colleges and universities recently responded to the proposed schema for a pontifical document on Catholic universities[2], and in doing so generally count on the support of their respective bishops, stems from gatherings of this sort and the mutual confidence they can engender.

In planning that meeting, we deliberately focussed on academic administrators, rather than theologians, as the ones best situated to explore wider areas of collaboration. We also feared lest unresolved questions regarding the relations between a theologian's teaching role and the bishop's teaching role could obstruct our conversations when the times called for constructive exchange. Why short-circuit opportunities to determine where diocesan and educational institution's structures could complement each other to foster the church's mission by concentrating on the one area where they could most easily conflict? As "L'affaire Curran" is shaping up ten years later, our decisions have proven all too prescient. Yet in the spirit of that collaboration heralded by that bi-centennial conference, I would like to explore two buzz-words which have marked recent exchanges, words whose resonance nearly insures that academe and hierarchy will talk past each other.

Those two words are *dissent* and *academic freedom*, and each is woefully inadequate to the task it is being used for, as well as bound to provoke hostility as well as misunderstanding. (I say this after conversations with some thoughtful bishops, as well as a brief exchange with my friend and colleague, Charles Curran.) In the spirit of mediation, then, I wish to explore those terms in their current setting, to show why they are not only misleading but can easily provoke hostility in different groups, and then propose alternative images as a way of promoting constructive conversation.

Let us first dispense with *dissent*. It is a telling mark of a certain generation of Catholic theologians that they presume "the church" to be a palpable and enduring entity in whose service they are engaged. Whether it be the old-style Roman theologian, who went scurrying for arguments in support of each papal pronouncement, or the new style practitioner who scrutinizes those same pronouncements in a more critical spirit, the mode in both cases is the same: react to authoritative pronouncements. The very vocabulary of *dissent* concedes this primacy already. But Vatican II intended to usher in a participatory church polity, with various roles and particular offices working in partnership. While bishops hold a pre-eminence in orders and in jurisdiction, they cannot function effectively in their apostolic task without the help of manifold gifts of the community. Theologians are certainly to be counted among those offices and gifts, so it works directly contrary to the vision of that great council should they adopt dissent as their signal posture

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Father Burrell is Professor of Theology and Philosophy at the University of Notre Dame. *His text was prepared for the University/Church Colloquium held at Notre Dame, January 19-21, 1987.*

[1]Papers and discussion summaries were published in *Evangelization in the American Context*, ed., David B. Burrell and Franzita Kane (Notre Dame, 1976).

[2]*Origins* 15:43, 10 April 1986)

or eminent right. Nor is it any more constructive if others keep backing them into such a claim.

For theologians comprise a part of the church which the rest of the body needs in a specific way. If they are so located—professionally and institutionally—as to miss being called forth by the body of the church, they might well be tempted to cast themselves over against its authoritative side, and so claim the right of dissent. But that is surely but a small part of what they are called to do—though betimes a fitting one. Moreover, it is certainly disingenuous to call attention to one's orthodoxy by insisting that one has never objected to *defined* teaching. Would that amount to an invitation to Roman authorities to define a larger scope of teaching, so as to insure the loyalty of Catholic theologians?

Something is clearly amiss here, and I would suggest that it is the theologians' conceding the initiative to ecclesiastical pronouncements (to which one may dissent) as well as their location and posture vis-a-vis the church. Rather than see themselves as part of its mission, their focus on dissent so accentuates the critical dimension of their academic role as to place them over against ecclesial authority. The only way authority can react to that is to try to bring them under its wing by insisting on a "canonical teaching mission" (Canon 812). The climate of collaboration accentuated in 1976 has eroded as each group appeals to the respective authorities of its distinct institutional worlds: university or church. And once institutional alignments are invoked, and people begin to regard each other's pronouncements as intrusions on their proper turf, possibilities for conversation evaporate.

That explains why *academic freedom*, as well, is an inappropriate defense for a Catholic theologian, though it is a necessary one for an educational administrator. Were I speaking as a college or university president, I should defend vigorously the letter and spirit of academic freedom for the entire faculty—as the ACCU Board of Directors has done. Were I speaking to theologians on the faculty, I would hold them to an even higher standard—as I would hold myself as a theologian. For the notion of *academic freedom* has been crafted in a liberal climate of inquiry in which academic institutions insisted upon their autonomy from society rather than their responsibilities to it. In practice, of course, American colleges and universities—independent as well as public—have always seen their mission in relation to the wider society, but they also had to insist on being free from the controls of pressure groups in that society in order to carry it out.

And one is certainly entitled to draw analogies between that situation and the Catholic college and university within the polity of world Catholicism, as their administrators have done so well. The task and role of Catholic theologians, however, cannot be rendered accurately in these terms, because they owe an inner allegiance to both academic and ecclesial communities. Hence a phrase—academic freedom—which underscores institutional autonomy can easily misrepresent the reality of their situation. As "dissent" called forth political images of the "loyal opposition," so "academic freedom" implies that "we know no norms except those of our peers." And no theologians who understand their role *within* the church can countenance a posture like that. What they can and must insist upon, however, is the freedom of inquiry required to perform their role with integrity.

Speaking now as a Catholic theologian, allow me to sketch out the grounds for such freedom of inquiry. They are rooted in the role intellectuals play in the community of the faithful, and specified by their shared exploration of the import of the common faith for men and women today. Inspired by the boldest thinkers in our tradition—by Origen, Anselm, and Aquinas, as well as by those who needed to secure the rule of faith—Athanasius, Augustine, and Bellarmine, and finally by those who sought to penetrate its mysteries for human life—Gregory, Ignatius, Teresa and John of the Cross, theologians will mine tradition using the tools provided by current disciplines, in order to clarify and to extend our understanding of the kingdom inaugurated with Abraham and confirmed in Jesus. That's a tall order, and each one employs the talents and training which he or she has received. Church teaching is in part given and in part the material with which such scholars work. As teachers, they are charged largely with informing a younger generation, as scholars with exploring domains old and new, and as researchers with extending the frontiers of those domains.

No one should begrudge a scholar or researcher the room to explore—and here the freedom of inquiry inherent to a theologian can often coincide with the academic freedom which all scholars claim and receive. Yet the theologians also receive a higher call, and recognize themselves as part of a faith community. So out of respect for that community as well as the faith they share, they pledge themselves to distinguish clearly and in practice among those three functions: teaching, scholarship, and research. The boundaries are hardly fixed—seminars partake of scholarship, at least, if not of research—and some guidelines will have to be negotiated. But that is precisely the sort of thing which the joint ACCU-NCCB committee of bishops and academic administrators was designed to do. Again, speaking as a theologian (which many bishops are similarly entitled to do), I cannot believe that the freedom of inquiry due to theologians in the pursuit of their dual academic and ecclesial task need foment so much controversy and polarization—at least once the provocative terms of *dissent* and *academic freedom* are banished as quite inadequate to the substance of the issue.

Finally, a word must be said on the intrusive strategy and tactics of the Congregation of the Doctrine of the Faith. Their policies world-wide are all too similar to the current American international posture, dubbed "global unilateralism." While American bishops have urged our political leaders to bolster and cooperate with the international agencies we helped to form, our political leaders

prefer to "go it alone." One has similar fears regarding Roman congregations these days, as they act either independently of or at variance with the manifest consensus of regional episcopal conferences. That grand strategy certainly represents a renunciation of the collegiality celebrated in Vatican II, and an ominous sign of ecclesial reliance on bureaucracy rather than local consultation.

One wants to urge our bishops to a more active and responsible interaction with Rome, as confreres in a common endeavor, just as they have encouraged us to imaginative strategies of participation and partnership in the second draft of their pastoral letter on the economy. Indeed, were a followup meeting to be held—this time among academic administrators, bishops, and theologians—crucial issues like the operation of "subsidiarity" in the church would have to be explored. Such legitimate concerns with power and process, however, ought not confound a clear discussion of the freedom of inquiry proper to theologians in our community. May that conversation begin—in an effort to recapture and to advance the spirit of collaboration celebrated a decade ago at Notre Dame.

The Response Catholics Owe To Non-Infallible Teachings

James L. Heft, S.M.

In this article I shall discuss the response that Catholics owe to non-infallible teachings. I will first review briefly the recent history of this question, consider the attitudes that Catholics should cultivate in themselves when they receive non-infallible teachings, explain some of the difficulties surrounding public dissent, and finally offer some personal reflections on the state of this question in the Church today.

Legitimate Dissent: A Relatively New Question

The task of distinguishing essentials from inessentials has been from the start a matter of serious concern to Christians. Sts. Peter and Paul and James and the whole Church, with the assistance of the Holy Spirit (Acts 15:22), decided at the Council of Jerusalem that circumcision was not to be required of Gentiles. Medieval canon lawyers assumed that there was a difference, though at times difficult to determine with precision, between matters of discipline and matters of doctrine, and medieval theologians thought it was important to determine the level of importance to be attributed to various theological statements.[1]

The question of whether it is legitimate to dissent from non-infallible teachings could arise only once there was a distinction between infallible and non-infallible teachings. It was only around 1840 that the terms ordinary and extra-ordinary magisterium were first used in a papal document.[2] At about the same time, and for the first time, the term "magisterium," that is, the teaching authority in the Church, was exclusively identified with the hierarchy.[3] When the First Vatican Council set down the conditions necessary for an infallible papal definition, it became possible in a carefully circumscribed way to identify infallible teachings. In doing so, it became possible to distinguish in a more precise fashion between infallible and non-infallible teachings. That Council, however, said virtually nothing about the nature of an individual Catholic's responsibility to accept non-infallible teachings.

With the nearly complete collapse of Catholic theological faculties in Europe at the time of the French Revolution, the papacy, beginning particularly with the pontificate of Gregory XVI, and culminating with the pontificate of Pius XII, published a great number of encyclicals. The exercise of this form of papal teaching authority became identified with the exercise of the ordinary magisterium. Pius XII declared in *Humani Generis* (1950) that even though papal teachings of this sort on a matter of doctrine were not infallible, theologians were no longer free to discuss the matter; moreover, he taught that the ordinary magisterium of the pope demanded obedience: "He who hears you hears me." Finally, Pius XII stated that one of the tasks of theologians is to justify declarations of the magisterium, that is, to explain how those teachings are to be found in Scripture and Tradition.[4]

The Second Vatican Council addressed the issue of the respect that Catholics owe to non-infallible teachings in paragraph 25 of *Lumen Gentium*, which reads:

> This religious submission of will and of mind must be shown in a special way to the authentic teaching authority of the Roman Pontiff, even when he is not speaking *ex cathedra*. That is, it must be shown in such a way that his supreme magisterium is acknowledge with reverence, the judgments made by him are sincerely adhered to, according to his manifest mind and will.[5]

Father Heft teaches in the Department of Religious Studies at the University of Dayton. *The present article will appear in* Raising the Torch of Good News: Catholic Authority and Dialogue With the World, *Bernard P. Prusack, ed., (University Press of America, 1987).*

[1]James Heft, *John XXII [1316-1334] and Papal Teaching Authority* (Lewiston, NY: Edwin Mellen Press, 1986), 106-19, 188-201.

[2]John P. Boyle, "The Ordinary Magisterium: Toward a History of the Concept," *Heythrop Journal* 30 (1979): 380-98, and 31 (1980): 14-29.

[3]Yves Congar, "A Brief History of the Forms of the Magisterium," in *The Magisterium and Morality*, Readings in Moral Theology #3, ed. Charles Curran and Richard McCormick (New York: Paulist Press, 1983), 324.

[4]Congar adds: "Pius XII saw the theologian teaching only by delegation from the 'magisterium' and doing so strictly in his service and under his control. Is this consonant with what nineteen centuries of the Church's life tell us about the function of 'disacale' or doctor? No, not exactly" (325). In asking theologians to "justify" the teachings of the magisterium, Pius XII was stressing the necessity for doctrine to be grounded in Scripture and Tradition.

[5]*Magisterium*, trans. Francis Sullivan (New York: Paulist Press, 1983) 154. *Ex cathedra* definitions by a pope or doctrine *defined* by an ecumenical council constitute an exercise of the extraordinary magisterium. All other exercise of teaching authority by the pope (e.g., encyclical letters) and the bishops (e.g., pastoral letters) represents the functioning of the ordinary magisterium. It is possible, according to *Lumen Gentium*, par. 25, that under certain conditions the ordinary universal magisterium can teach infallibly, though normally it does not. Our concern in this paper is with non-infallible teachings, be they taught by the pope, a council or the bishops.

On the surface, this statement would appear only to repeat the teachings of Pius XII. However, to interpret the text accurately, its background needs to be understood. First, the original *schema* proposed and rejected at the first session of the Council had included Pius XII's prohibition of free debate among theologians. In the final text, this prohibition was dropped. Moreover, the biblical text used by Pius XII to describe the ordinary magisterium ("He who hears you hears me") was also dropped. Three questions *(modi)* were posed to the doctrinal commission concerning the meaning of par. 25, one of which is of particular relevance for our topic.[6] Three bishops asked about the case of an "educated person, confronted with a teaching proposed non-infallibly, who cannot, for solid reasons, give his internal assent." The theological commission responded by directing the bishops to consult the approved authors *(auctores probati)*, that is, to consult the textbooks of theology ordinarily used in seminary theology courses. Several theologians have done these studies.[7] What they have discovered is that the adherence to official, authoritative (rather than "authentic") non-infallible teachings should be both internal and religious: internal, which requires more than external conformity or a mere respectful silence; and religious, which indicates that the motive for adherence is not primarily the cogency of the reasoning but the fact that the Pope has been given authority to teach by Christ.

But this internal religious adherence is to be distinguished from the assent of divine faith which is due only to infallible teachings. Internal religious adherence is not metaphysically (or absolutely) certain but morally certain. This distinction is made because, as Francis Sullivan explains, "the non-definitive teaching on the magisterium is not infallible, it can be erroneous; if it is not irreformable, it can stand in need of correction."[8] A careful interpretation of paragraph 25 of *Lumen Gentium* shows, therefore, that in certain carefully circumscribed situations it is legitimate to dissent from non-infallible teachings.[9]

Shortly after the Council, the German bishops issued in September of 1967, almost a year before the publication of *Humanae Vitae*, a statement on the ordinary magisterium in which they wrote that "in order to maintain the true and ultimate substance of the faith it (the Church) must, even at the risk of error in points of detail, give expression to doctrinal directives which have a certain degree of binding force and yet, since they are not *de fide* definitions, involve a certain element of the provisional even to the point of being capable of including error." Nevertheless, they continued, the Church must teach if it is to apply the faith to new situations that arise. "In such a case the position of the individual Christian in regard to the Church is analogous to that of a man who knows that he is bound to accept the decision of a specialist even while recognizing that it is not infallible."[10]

Humanae Vitae, issued in the summer of 1968, forced the discussion from considerations of private dissent by individual Catholics to those of public dissent by Catholic theologians. In November of that same year, the United States bishops, in their pastoral letter, "Human Life in Our Day," stated that "the expression of theological dissent from the magisterium is in order only if the reasons are serious and well-founded, if the manner of the dissent does not question or impugn the teaching authority of the Church and is such as to not give scandal." They realized, however, that in saying this they had given support to something new in the Church, and given the complexity of the matter, called for a dialogue between themselves and theologians to clarify the matter further: "Since our age is characterized by popular interest in theological debate and given the realities of modern mass media, the ways in which theological dissent may be effectively expressed, in a manner consistent with pastoral solicitude, should become the object of fruitful dialogue between bishops and theologians." Since that time, the American bishops have not issued any statement that has advanced this discussion or clarified the criteria that would ensure that public theological dissent on non-infallible matters will be consistent with pastoral solicitude.

In the spring of 1986, after seven years of private correspondence initiated by the Sacred Congregation for the Doctrine of Faith (SCDF), Fr. Charles Curran, a professor of moral theology at The Catholic University of America, in Washington, D.C., explained at a press conference held in Washington immediately after returning from a meeting with Cardinal Ratzinger in Rome, that he had arrived at an impasse with the Cardinal concerning the legitimacy of public theological dissent on non-infallible matters. Fr. Richard McCormick, a Jesuit moral theologian at Georgetown University, has concluded that Ratzinger in essence is requiring that a professor must agree "with the ordinary magisterium of every authoritatively proposed moral formulation" or cease to be called a Catholic theologian.[11]

Between Vatican II and the present, most authors who have treated the question of dissent, private and public, have concluded that it is legitimate. At the same time, many of them have stressed that much still needs to be worked out. In 1974, Christopher Butler, for example, noted that in this area "we lack the guidance of good the-

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[6]Joseph Komonchak, "Ordinary Papal Magisterium and Religious Dissent" in *The Magisterium and Morality*, 68–69.

[7]See, for example, Komonchak just cited, 70–78, and Richard Gula, "The Right to Private and Public Dissent from Specific Pronouncements of the Ordinary Magisterium," *Eglise et théologie* 9 (1978): 319–43. The "approved authors" are usually negative on the legitimacy of public dissent.

[8]Sullivan, 157. On the distinction between religious adherence and the assent of divine faith, see Ladislas Orsy, "Reflections on the Text of a Canon," *America* May 17, 1986: 396–99.

[9]Several theologians explain that Vatican II, through its actions (e.g., the "rehabilitation" of theologians such as Congar, Rahner and DeLubac, who were suspect by the Vatican before the Council, and its teachings on religious freedom, ecumenism and collegiality) underscored the constructive power of some dissent (see Sullivan, 157–58), and Avery Dulles, "Doctrinal Authority for a Pilgrim Church," in *The Magisterium and Morality*, 264–65.

[10]Cited by Karl Rahner, "The Dispute Concerning the Teaching Office in the Church," in *The Magisterium and Morality*, 115.

[11]Richard McCormick, "L'Affaire Curran," *America* April 5, 1986: 264.

ology today."[12] Five years later John Boyle explained that the particular authority pastoral teachings should have in the Church has "not been adequately clarified."[13] In an address given on April 15, 1986, at St. Michael's College in Toronto, Ontario, Cardinal Ratzinger himself said concerning the work of theologians that "there is no question that it is important to find legal formulas by which we can safeguard the objective freedom of scientific thought within its limits and guaranteeing the necessary room for maneuver for scientific discussion."[14]

The Response Catholics Owe to Non-Infallible Teachings

Two things should be clear at this point: individual Catholics may dissent from non-infallible teachings and there is a lack of agreement on how this can be done responsibly, particularly when it is a case of public dissent. In this section I will discuss how an individual Catholic should approach authoritative non-infallible teaching.[15] In particular, I want to discuss the attitudes that a Catholic should have in order to ensure the proper openness to non-infallible teachings.

We have already noted that the theological commission of Vatican II referred the bishops who asked about dissent from non-infallible teachings to the "approved authors." These authors, or manualists, all stress that at the outset the presumption should always be in favor of the teaching of the ordinary magisterium, and that one's adherence should not be suspended rashly or casually, or because of pride, "excessive love of one's own opinions" or "over-confidence in one's own genius."[16] They assume that it is very unlikely that the ordinary magisterium would be in error. The Germans bishops offer a similar caution:

> Anyone who believes that he is justified in holding, as a matter of his own private opinion, that he has already even now arrived at some better insight which the Church will come to in the future must ask himself in all sober self-criticism before God and his conscience whether he has the necessary breadth and depth of specialized theological knowledge to permit himself in his private theory and practice to depart from the current teaching of the official Church. Such a case is conceivable in principle, but subjective presumptuousness and an unwarranted attitude of knowing better will be called to account before the judgment seat of God.[17]

The then Monsignor Philips, one of the two secretaries of Vatican II's Theological Commission, explained in his 1967 work, *L'Eglise et Son Mystère*, that Catholics should be deeply ready *(auront á coeur)* to respect *(vénérer)* the authority with which the ordinary magisterium is exercised.[18] Bishop Butler explains that in "all cases, the mood of the devout believer will be not resentment at what appears to be a constraint upon his thinking, but a welcoming gratitude that goes along with a keen alertness of a critical mind and of a good will concerned to play its part both in the purification and the development of the Church's understanding of its inheritance."[19]

Several authors stress the importance of an attitude they call "docility." In his 1962 study, *L'Eglise est une communion*, the Dominican theologian Jerome Hamer, now the Prefect of the Congregation for Religious, explains some of the key ideas of St. Thomas on docility. It is located in the intelligence, and has to do with the acquisition of knowledge and helps a person to appropriate teaching personally. There are also degrees of docility that are "proportionate to the distance that lies between the qualifications or doctrinal authority of the teacher and the knowledge of the pupil." Hamer states that docility should not be confused with the obedience of faith, since it is a virtue of the intelligence whose object is knowledge, rather than a virtue of the will which submits to the will of the teacher.[20]

Francis Sullivan contrasts the attitudes of obstinacy and docility, and explains that obstinacy is to be renounced and docility adopted:

> Renouncing obstinacy would mean rejecting a tendency to close my mind to the official teaching, to

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[12]Christopher Butler, "Authority and the Christian Conscience," *The Magisterium and Morality*, 186.

[13]John Boyle, "The Natural Law and the Magisterium," *The Magisterium and Morality*, 452.

[14]Joseph Cardinal Ratzinger, "The Church and the Theologian," *Origins* 15 (8 May 1986): 769. The Cardinal immediately added, however, that "the freedom of the individual instructor is not the only good under the law nor is it the highest good to be safeguarded here. As to the question of the ordering of the various goods in the community of the New Testament, there is an inflexible divine judgment from which the church may never stray: 'Whoever is a cause of scandal to one of these little ones who believes, it would be better for him to be cast out into the sea with a millstone tied around his neck' (Mk. 9:42)."

[15]Concerning dissent from infallible teachings, it is important to recall that traditionally a person must *know* that what they hold is contrary to what the Church teaches and then *persist* in denying the Church's teaching if they are to become a heretic and thereby cease to be a Catholic. In 1973, the Sacred Congregation for the Doctrine of the Faith published *Mysterium Ecclesiae* in which it explained that infallible teachings, though irreformable as Vatican I taught, are open to reformulation, not in order to change their meaning, but in order to bring out more clearly the infallibly defined truth they aim to articulate. This, in principle, is always possible, due to, as the SCDF document states, (1) the limited state of human knowledge at the time of definition, (2) changeable conceptions and thought patterns that belong to a certain period of time, (3) the specific concerns that motivated that definition, and (4) the limited expressive power of the language used (see my article, "Papal Infallibility and the Marian Dogmas," *Marian Studies* 33 [1982]: 58–59). It is also necessary to take into consideration that pastorally speaking the meaning and import of some dogmas are more difficult to grasp than others (important in this context is Vatican II's teaching on the "hierarchy of truths").

[16]Komonchak, 72.

[17]Rahner, 115.

[18]Cited by B.C. Butler, "Infallible: Authenticum: Assensus: Obsequium," *Doctrine in Life* 31 (1981): 85.

[19]Butler, 186. That eagerness and welcoming attitude may be contrasted with the description given by John Henry Newman of the way in which most people treat the truths of religion: "Men are too well inclined to sit at home, instead of stirring themselves to inquire whether a revelation has been given; they expect its evidence to come to them without their trouble; they act, not as supplicants, but as judges" (*The Grammar of Assent* [Garden City, NY: Image Books, 1955], 330).

[20]From the English translation of Hamer's *The Church Is a Communion* (London: Geoffrey Chapman, 1964), 25–26.

refuse even to give it a fair hearing, to adopt the attitude: "I've already made my mind up; don't bother me."

Positively, what would an attitude of docility involve? Docility is a willingness to be taught, a willingness to perfer another's judgment to one's own when it is reasonable to do so. Docility calls for an open attitude toward official teaching, giving it a fair hearing, doing one's best to appreciate the reasons in its favour, so as to convince oneself of its truth, and thus facilitate one's intellectual assent to it.[21]

Sullivan adds that since the ordinary magisterium seeks adherence that is an act of the judgment, it must appeal not just to the will but also to the mind. It must present its teachings with reasons that are clear and convincing, particularly in those matters which have to do with the natural law, since such matters are said to be discoverable by human reasoning, over which the hierarchy of the Church has no monopoly.[22] Nevertheless, this is not to say that the magisterium "has no more claim on our assent than the strength of its arguments would warrant." Were this the case, an individual would give to the pope, explains John Gallagher, "no more authority than one would give to one's bartender or hairdresser or anyone with whom one might discuss an ethical question."[23]

In an entire chapter devoted to a discussion of the magisterium and dissent on moral matters, Gallagher raises a series of questions that a devout Catholic should try to answer before dissenting from the ordinary magisterium. Since Gallagher's checklist is the most extensive I have come across, I wish to quote a major portion of it:

> Am I biased? Am I rationalizing a decision I have made on selfish grounds? Am I being honest, humble and courageous in facing my own limitations? Does my life exhibit patience, kindness, and the other gifts and fruits of the Holy Spirit? Or is my thinking too much influenced by anger, or disdain, or hurt feelings, or arrogance?
>
> Before deciding that dissent is legitimate one should look at one's own capacity for making moral judgments. Am I well qualified to judge in these matters? If I attempt to make up for my lack of qualifications by seeking expert advice, am I well qualified to choose good advisors? Do I choose advisors because they are likely to say what I want them to say? One should take counsel not only to get the views of specialists but also to gain objectivity. The advice of objective counselors is an important means for overcoming one's own bias and tendency to subjectivism.
>
> On any important moral judgment one should pray, not as a pious afterthought but as an essential step. Moral decisions have consequences and implications beyond our ability to grasp. We must open ourselves to the Holy Spirit to guide us by a wisdom greater than our own. Prayer is especially important if one is considering dissent from a papal moral teaching.[24]

Besides examining one's attitude, there are also intellectual requirements for determining the degree of authority that ought to be given to non-infallible teaching. "We must know whether we are faced with a warning, advice, the settling of a controversy, a caution, or a doctrinal pronouncement in the strict sense of the word."[25] Again, Gallagher describes a number of differing degrees of authority for non-infallible papal teachings:

> Other things being equal, a teaching repeated many times by several Popes over a long period of time has more authority than a teaching stated only once or twice. A papal statement on some point which has arisen recently usually will not carry as much weight as a papal teaching held consistently over a long period of time during which the subject has received frequent consideration. A papal statement on a point which has recently arisen may well be cautionary rather than definitive. It indicates that at this stage of the development of thought on the point, the new ideas cannot be accepted in the form in which they have been presented. At some later stage in the development of thought on a point, further formulations may be found which allow the acceptance of what is good in the new ideas without the acceptance of error or the denial of truths arrived at in the past. If the issue has arisen recently, the papal teaching is more likely to be cautionary and admitting of development than if the issue has been discussed for several generations.
>
> Other things being equal, a papal teaching which has not been repeated for several decades, in spite of some Catholics disregarding it, does not have as much authority as a teaching which is repeated by Popes who try to convince dissenters to accept it.[26]

Finally, it is important to recall that the "right to dissent" can never be absolute.[27] What this means is that it takes place within a larger context of an acceptance of Jesus Christ as Lord, of the Church as the place where Christ is present and celebrated in Word and Sacrament.[28] In other words, dissent is possible not against infallible teachings, but only against non-infallible matters, some of which, however, do nonetheless have great importance in the Christian life. One need only think of matters having to do with nuclear deterrence or liberation theology to see the serious consequences and vital importance

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[21]Sullivan, 164.

[22]Sullivan, 162. Cardinal Heenan is supposed to have described docility in very simple terms as "being prepared to admit that it is just possible that the pope is right and I am wrong" (Butler, 85).

[23]John Gallagher, *The Basis for Christian Ethics* (New York: Paulist Press, 1985), 228.

[24]Gallagher, 228-29.

[25]Hamer, 26.

[26]Gallagher, 223. Perhaps included by Gallagher in the qualification "other things being equal" is the realization that it is possible that a teaching could be repeated by many popes who do so primarily because they thought that they were obligated to repeat it simply because other popes had taught it before them. This would place formal authority (*who* says something) over material authority (*what* is said). In such a situation, the teaching in question would not acquire more authority merely through repetition by popes. Some things can be repeated, in an unexamined way, for centuries.

[27]McCormick admits that he has always been uncomfortable with the phrase "right to dissent," because "we are concerned, as believers, with the behavioral implications of our being in Christ, with moral truth." Since the phrase "right to dissent" tends to juridicize what ought to be a more corporately and communally grounded search for moral truth, McCormick prefers to speak of "a duty and right to exercise a truly personal reflection within the teaching-learning process of the Church, a duty and a right that belongs to all who possess proportionate competence." ("Reflections on the Literature," in *The Magisterium and Morality*, 464).

[28]Dulles, 262.

of non-infallible teachings. Nevertheless, all of the authors cited in this section of our study accept the possibility of dissent from non-infallible teachings as legitimate when the individual Catholic has been docile, that is, has done his or her best to accept the teaching.

The Question of Public Dissent

The question of public dissent by Catholic theologians has become most recently a critical issue for the theological community; it is, as we noted at the end of the first section of this study, the least worked out. For that reason, I will only outline a few of the issues that have become a part of this question.

If moral theologians become convinced that a non-infallible teaching is in fact one-sided, incomplete, or even in error, what should they do? Should they remain silent in order not to create confusion and cause scandal? Should they restrict their expression of reservation or dissent to personal and private letters written to the SCDF, offering better arguments or other ways of formulating the teaching or stating reasons why they find the teaching unacceptable? Or should they speak out, respectfully but clearly, against the teaching, confident that the greatest scandal is not the temporary confusion of the laity, but the perpetuation of false teaching rather than the correction of what is being taught?

We have already noted how Pius XII taught that once an issue had been treated by the ordinary magisterium, theologians were no longer free to discuss the matter. We noted also that this prohibition was dropped by Vatican II. Even though Vatican II did not state in any of its documents that a theologian could dissent publicly from such teaching, it did state in paragraph 62 of *Gaudium et spes* that all the faithful, clerical and lay, who study theology, must be assured of their "lawful freedom of inquiry and of thought, and of the freedom to express their minds humbly and courageously about those matters in which they enjoy competence."

Moreover, despite any explicit endorsement of responsible forms of public dissent on non-infallible matters, some theologians, as we have noted, argue that implicitly the Council approved such dissent by the very fact that in several of its decrees it departed from previous papal teaching on a number of important questions, such as religious liberty.[29] If a theologian is to remain silent, how then, asks Rahner, "can that progress in knowledge necessary for the life of the Church and for the credibility of its preaching be achieved?"[30]

Modern media complicates genuine efforts to discover responsible ways to criticize non-infallible teachings publicly. An article published in a relatively arcane theological journal will be reported, and often in a distorted fashion, on the front page of the morning newspaper.[31] If theologians sought to set public opinion against the magisterium through manipulating the media, dialogue between theologians and the magisterium becomes impossible.

What is needed now are criteria hammered out by theologians and the magisterium that will ensure, as much as is possible, a proper respect for the truth, the teaching authority of the hierarchy, and the pastoral needs of the faithful. In the meantime, measures need to be taken by bishops and theologians that will make it more possible that criteria be developed for responsible dissent from non-infallible teachings. Avery Dulles has offered some suggestions as to how, in the absence of well-worked out criteria, the harmful effects of dissent might be alleviated:

1) The pastoral magisterium should keep in close touch with theologians who themselves should cultivate greater sensitivity to pastoral considerations.
2) Ordinarily pastors should not speak in a binding way unless there is a consensus, which is rarely obtainable without free discussion.
3) Even when there is no consensus, popes and bishops and others in authority may clearly and candidly state their convictions on matters of pastoral importance.
4) When an individual Catholic after genuine effort to adhere to a particular non-infallible teaching is unable to do so, he or she should not be made to feel disloyal or unfaithful.[32]
5) Provided that they speak with evident loyalty and respect for authority, dissenters should not be silenced.[33]

Reflections on the State of the Question

I have looked at the recent history and development of the idea of dissent from non-infallible teachings, and reviewed some of the literature on personal or private dissent on the one hand, and public dissent on the other. In conclusion, I wish now to make several observations on the current state of this question.

Theology in and for the Church. One of the most important truths of the Christian tradition is that theology will not flourish unless it is rooted in worship. Moreover,

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[29]See, for example, Sullivan, 209-10, and Dulles, who writes (264-65) that "by its practice of revision, the Council implicitly taught the legitimacy and even the value of dissent. In effect the Council said that the ordinary magisterium of the Roman Pontiff had fallen into error and had unjustly harmed the careers of loyal and able scholars. Some of the thinkers who had resisted official teachings in the pre-conciliar period were among the principal precursors and architects of Vatican II."

[30]Karl Rahner, "Theology and the Teaching Office?," *Doctrine and Life* 31 (1981): 633. Rahner asks further "if the biblical decrees of Pius X had been granted the sincere allegiance of all theologians in obedient silence, it would not be possible for the present Pope to speak so freely of Yahwists."

[31]See Sullivan who writes: "The question (of how to express criticism responsibly) was fairly easy to decide when theologians could share their views with their professional colleagues through the medium of scholarly journals, with little likelihood that their ideas would reach the wider public. However, the 'information explosion' of modern times, and the tendency of popular journals to publicize any opinion that is critical of positions taken by those in authority, drastically increases the probability that what is carefully and moderately put forward in a scholarly article may subsequently be broadcast to the general public in a crude or tendentious way" (211).

[32]Dulles adds that in view of the deference owed to non-infallible teachings, "the dissenter will be reluctant to conclude that the official teaching is clearly erroneous; he will carefully reassess his own position in the light of that teaching, and he will behave in a manner that fosters respect and support for the pastoral magisterium, even though he continues to strive for a revision of the current official teaching" (266).

[33]Dulles, 266-67.

the faith of the Church provides the norm for the reflection of the theologians. This point was stressed by Cardinal Ratzinger in his April 15th presentation in Toronto, where he explained that the theologian as a believer is a theologian only in and through the Church: "If this is not true, if the theologian does not live and breathe Christ through the Church, his body, then I suggest we are not dealing with a theologian at all, but a mere sociologist, or historian or philosopher."[34] When theologians wholeheartedly enter into the living of the Christian life, when they seek to be converted to the Gospel, then their theological work will enrich the whole Christian community. To cite Ratzinger's recent address again, "a Church without theology is impoverished and blind. A theology without the Church, however, soon dissolves into arbitrary theory."[35]

To stress the ecclesial nature of theology, the need for continuing conversion to Jesus Christ, is not to imply, however, that all dissent from non-infallible teachings by theologians is rooted in a lack of faith or a departure from the true faith of the Church.[36] It is precisely this sort of conclusion that sometimes is implied when some bishops and theologians talk today about dissent in the Church. It may well be true of much of that dissent, but it should not be assumed that all dissent will disappear because of a more genuine conversion on the part of the theologians. At the same time, most authors consulted rightly stress that for individuals to dissent responsibly, they must be genuinely committed to Christ, cultivate a genuine attitude of docility to the teaching authority of the Church, and remain open at all times to new evidence and insights that would make their adherence possible.

Tensions Between Theologians and the Magisterium. The Christian community has always experienced varying degrees of difference, tension over disagreements, and even harmful polarizations. One need only recall the conflicts characteristic of the Corinthian church and the confrontation between St. Peter and St. Paul on the matter of circumcision. There is today tension between many theologians and the magisterium.[37] One reason that the tension exists is that each group typically admits demands of the other group "mostly only in a quietly enunciated subordinate clause—but otherwise upholds in full voice its own maxims, as though they were the only ones which mattered in practice."[38]

It is important that ways be found to address the legitimate preoccupations of each group. Archbishop John Francis Whealon of Hartford suggested if greater trust is to be had between the groups, "bishops must understand that theologians should be able to probe sensitive areas of doctrine while remaining loyal to the Church. And theologians, while making their theological probes, must understand that the magisterium carries ultimate responsibility for defining and specifying the content of Catholic doctrine."[39] Special consideration should be given to the "Theses on the Relationship Between Ecclesiastical Magisterium and Theology" published by the International Theological Commission in 1975. Particularly valuable are theses 2, 3 and 4 which outline what the magisterium and theologians have in common in performing their respective tasks.[40]

Even though the magisterium and theologians have many common sources for their ministries, those ministries are not the same. Richard McCormick articulates well the complementary character of their distinctive roles:

> Bishops should be conservative, in the best sense of that word. They should not endorse every fad, or even every theological theory. They should "conserve," but to do so in a way that fosters faith, they must be vulnerably open and deeply involved in a process of creative and critical absorption. In some, perhaps increasingly many, instances, they must take risks, the risks of being tentative or even quite uncertain, and, above all, reliant on others in a complex world. Such a process of clarification and settling takes time, patience, and courage. Its greatest enemy is ideology, the comfort of being clear, and, above all, the posture of pure defense of received formulations.

Concerning the particular role of the theologians, McCormick writes:

> Amid the variation of their modest function in the Church, they must never lose the courage to be led. "Courage" seems appropriate, because being led in our

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[34]Ratzinger, 765.

[35]Ratzinger, 763.

[36]Bernard Lonergan notes, however, that some disagreement among Christian theologians can be traced to a lack of conversion: "... Christian theologians disagree not only on the areas relevant to theological research but also on the interpretation of texts on the occurrence of events, on the significance of movements. Such differences can have quite different grounds. Some may be eliminated by further progress in research, interpretation, history, and they can be left to the healing office of time. Some may result from developmental pluralism: there exist disparate cultures and diverse differentiations of consciousness; and such differences are to be bridged by working out the suitable transposition from one culture to another or from one differentiation of consciousness to another. Others, finally, arise because intellectual or moral or religious conversion has not occurred..." (*Method in Theology* (New York: Herder and Herder, 1972), 150. Lonergan's notion of 'conversion' in the theologians is not irrelevant to the issue of dissent. Besides the intellectual, moral and religious components of conversion, there should be added, in view of our topic, a "Catholic" element: a commitment to this historical community as home. Such a conversion is fundamental to the whole theological enterprise, for without it, one is simply not in touch with the realities to be explored. As Anthony Kelly, the Australian Redemptorist put it to me recently in a letter, "It is not a matter of practicing a certain virtue or having the right attitude. It envisages a rather thoroughgoing transformation of mind and heart in the theologian. A dissent coming out of this would tend to be the dissent of a prophet. The dissent of the unconverted, however, might be nothing more than the attention-seeking behavior, or, as we Australians would say, the ravings of a ratbag."

[37]It is important not to overstate these tensions. See Raymond Brown, "The Magisterium vs. the Theologians," in *The Magisterium and Morality*, 277-96.

[38]Rahner, 623.

[39]John Francis Whealon, "The Magisterium," in *The Magisterium and Morality*, 192.

[40]See Sullivan, 174-218, for the text and his commentary. Among the elements in common are: both bishops and theologians are committed to ecclesial ministry for the sake of the salvation of others, both are bound by the Word of God, by the sense of the faith of the Church, by the documents of the Tradition, and to the personal and missionary care they must have towards the world.

> times means sharing the burdens of the leader—and that can be passingly painful. They should speak their mind knowing that there are other and certainly more significant minds. In other words, they must not lose the nerve to make and admit an honest mistake. They should trust their intuitions and their hearts, but always within a sharp remembrance that the announcement of faith and its implications in our times must come from the melding of many hearts and minds. The Church needs a thinking arm, so to speak; but that arm is dead if it is detached.[41]

Finally, there is besides the tensions that exist between theologians and bishops those that are to be found between theologians. In recent years in the United States several groups of theologians have formed separate professional groups along, for want of better terms, liberal and conservative lines. Whatever may be the value of each grouping, it has not, in my opinion, increased the likelihood that there will be healthy mutual criticism between theologians of different persuasions. The 1985 annual proceedings of the Catholic Theological Society of America includes papers by three theologians who call their colleagues to a greater and more frequent exercise of the ministry of mutual criticism. Joseph Komonchak concludes his plenary address on "The Ecclesial and Cultural Rules of Theology" by stating that "from us (theologians) the Church should be able to expect greater care than has sometimes been shown for the methodological foundations on which we are building and especially a greater willingness to engage in the mutual conversation and criticism that have never been more necessary to our communal theological enterprise."[42] Walter Principe states that "theologians have a serious obligation for pastoral reasons to take care how they present their hypotheses and tentative conclusions. Should we not discuss them among ourselves and subject them to mutual criticism before going to the media or pulpit with declarations that can startle or upset people not able to assimilate them? And have we done enough to educate those in ministry and all our people so that they can understand what is going on in new matters in theology?"[43] Finally, John Boyle reports: "If there is any single complaint which I hear about theologians from bishops, it is that theologians are not critical of one another. There is some validity to this complaint. Is it possible that theologians too have lost sight of their obligation to be mutually critical as part of their corporate responsibility as a *schola* within the Church?"[44]

[41]McCormick, 496–97.

[42]Joseph Komonchak, *CTSA Proceedings* 40 (1985): 32.

[43]Komonchak, *CTSA*, 125. In the Rahner article cited in note 38, theologians are invited to make the following confession to the bishops: "First of all we are not some kind of Mafia, in which each can speak in the name of theology and theologians, nor do we feel obliged as a matter of principle to lash out in the name of truth and theological freedom whenever an individual theologian comes into conflict with Rome. We have indeed the right and the duty to speak out against another theologian and for Rome, when we are convinced of the correctness of a Roman pronouncement. Clannishness among theologians is perverse. Is it necessary today to say that a theologian does not in any way betray himself by supporting a Roman decision?" (630).

[44]"The Academy and Church Teaching Authority: Current Issues," *CTSA Proceedings* 40 (1985): 180.

The Distinction Between Infallible and Non-Infallible Teachings. Anyone who has taught ecclesiology to undergraduate students knows that a common question after a lecture on the dogma of papal infallibility is, "How many dogmas have actually be so defined?" Students often become exasperated when no definitive list is forthcoming. Others are relieved when they conclude, mistakenly, that only the Marian dogmas have actually been defined. Some are concerned to know only what has been defined, to know what the bare minimum is for inclusion in the Catholic community.[45]

Such classroom experiences point out that there is more to living the Christian life than accepting only infallible teachings. To paraphrase Scripture, the wise Christian does not live by infallibly defined propositions alone. There are many important Christian truths that have never been infallibly defined, such as the great commandment of Jesus to love God with our whole hearts and our neighbors as ourselves. Consider also the many important insights of the great spiritual writers, such as Teresa of Avila and John of the Cross and the absolutely central place the liturgy and the sacramental life should have in the Christian life, and prayer, both personal and communal. We need to recall that there are many more infallible truths than there are infallibly defined truths. In other words, all defined truths are infallible, but not all infallible truths are defined.

Archbishop John Quinn of San Francisco reminds us that we should avoid thinking that we are obligated to accept only what is formally defined and then proceed to leave everything else as though they were open questions. Such an attitude, he believes, "paves the way for the rejection of defined teaching, since often what is defined was previously taught by the ordinary magisterium for some time."[46]

In an interview yet to be released but partially reported in the May 8th issue of *Origins*, Cardinal Ratzinger states that Fr. Charles Curran's position that theologians can dissent from non-infallible teachings "does not seem appropriate." The Cardinal calls it a "juridical approach" which "tends inevitably to reduce the life of the Church, and its teachings, to only a few definitions." The Cardinal continues, "In the early Christian communities, however, it was clear that to be a Christian meant primarily to share in a way of life and that the most important doctrinal definitions did not have any other aim but to orient this way of life." Ratzinger proposes that we should distinguish what is essential and non-essential to the Christian faith "without recourse to the distinction between infallible and non-infallible pronouncements."[47] Ratzinger's point is well taken: any theologian who would employ the distinction in order to minimize the

[45]One way to distinguish between the immature and the mature conscience is that the immature conscience wants to know only what must be done while the mature conscience asks what is the best thing to be done.

[46]John R. Quinn, "The Magisterium and the Field of Theology," in *The Magisterium and Morality*, 274.

[47]Ratzinger, 764. Excerpts from the same interview may also be found in the *National Catholic Register*, May 8, 1986: 5.

importance of non-infallible teachings or reduce the meaning of the Christian life to adherence to a few definitions has drastically truncated the full living of the Christian life.

While it is possible to "juridicize" the distinction, it would be wrong to minimize its value because of the way in which it may be abused. In fact, properly understood, all infallible teaching, that is, all dogma, must be salvific in import, otherwise there would be no reason to clarify, defend and stress that facet of saving truth expressed, however, inadequately, through its formulation. Rightly understood, the distinction does not lead to the "juridical approach." I do believe, therefore, that some sort of distinction is necessary for theological work and for the development of doctrine.

Criteria for Public Dissent. Our review of the literature on the question of dissent shows that there is a place in the Catholic tradition for both personal dissent and public dissent, but that there is little agreement as to how public dissent, particularly by theologians, can be responsible and constructive. In a recent article written in support of Curran, Richard McCormick states that the issue between Curran and Ratzinger is "public dissent."[48] Ratzinger has stated to Curran that if a Catholic theologian expresses publicly his disagreement, there is an "inherent contradiction" because "one who is to teach in the name of the Church in fact denies her teaching," and thus "runs the risk of causing scandal." Scandal may, of course, also arise from an abuse of authority by members of the hierarchy.

I have already explained that there is an urgent need for establishing criteria for public dissent in order to reduce to a minimum the confusion and scandal that arises. I do not believe there is any way to avoid all scandal. Theologians stress that it would be impossible to have any development in doctrine without public dissent and frequently cite the example of John Courtney Murray's work which was vindicated at the Second Vatican Council. Indeed, he provides an excellent example. I think, however, that it would be wise for any theologian who dissents publicly not to assume too readily that he or she is automatically contributing to the development of doctrine or that his or her theological position will in fact be made common teaching at the next Church council. The same words of admonition proposed by the German bishops for careful consideration by any layperson about to dissent privately from a non-infallible teaching need *a fortiori* to be taken to heart by theologians about to do the same publicly. Theologians should ask themselves in all "sober self-criticism" whether they have already come to a better insight that the rest of the Church will come to only in time.

I agree with the German bishops, and others I have cited in this study, that such dissent, that is, public dissent by a theologian, is in principle possible, and even obligatory, although, as I have noted, we have only begun to elaborate ways in which this can be done constructively.[49] I expect that some of the criteria needed will help us to distinguish between various levels of authority to be attributed to different non-infallible teachings, and will have to take into consideration pastoral dimensions that may differ from country to country.

Education of the Laity. There are those who would prefer bishops either to speak with their full authority or to remain silent. The German bishops, we have already noted, state well the need the Church has to address the issues of the day, issues which because of their newness and complexity will usually not be able to be dealt with definitively. In these official but still provisional teachings, there is the possibility of error. Nevertheless, such teaching must be provided, for "otherwise it would be quite impossible for the Church to preach or interpret its faith as a decisive force in real life or to apply it to each new situation in human life as it arises."[50]

The American bishops have demonstrated in a clear way the provisional nature of their teachings on war and economics by stressing the differences between what they present as binding universal moral norms, to which they rightly expect adherence, and specific applications of these norms, on which they fully anticipate and welcome difference of opinion and even disagreements from persons of good will.[51] For members of the hierarchy to stress the various levels of authority that pertain to what they teach is, however, not the rule. More typical is the tendency in practice to obscure the difference between infallible and non-infallible teachings, particularly by treating all official papal and episcopal statements as though they were infallibly taught, such as the prohibition of the ordaining of women or the condemnation of artificial

[48]McCormick, "L'Affaire", 261.

[49]A first effort at elaborating the elements of responsible public dissent was made, as we have noted earlier, by the American bishops in November of 1968 in a pastoral letter they released which affirmed the teachings of *Humanae Vitae*. They also recognized the legitimacy of dissent. The relevant paragraphs follow: "There exist in the Church a lawful freedom of inquiry and of thought and also norms of licit dissent. This is particularly true in the area of legitimate theological speculation and research. When conclusions reached by such professional theological work prompt a scholar to dissent from non-infallible received teaching, the norms of licit dissent come into play. They require setting forth his dissent with propriety and with regard for the gravity of the matter and the deference due the authority which has pronounced on it.

"The reverence due all sacred matters, particularly questions which touch on salvation, will not necessarily require the responsible scholar to relinquish his opinion but certainly to propose it with prudence born of intellectual grace and a Christian confidence that the truth is great and will prevail.

"When there is question of theological dissent from non-infallible doctrine, we must recall that there is always a presumption in favor of the magisterium. Even non-infallible authentic doctrine, though it may admit of development or call for clarification or revision, remains binding and carries with it a moral certitude, especially when it is addressed to the universal Church, without ambiguity, in response to urgent questions bound up with faith and crucial to morals. The expression of theological dissent from the magisterium is in order only if the reasons are serious and well-founded, if the manner of the dissent does not question or impugn the teaching authority of the Church and is such as not to give scandal." Cited by Harry McSorley, "The Right of Catholics to Dissent from *Humanae Vitae*," *The Ecumenist*, Nov/Dec 1969: 8–9.

[50]Rahner, "The Dispute," in *The Magisterium and Morality*, 115.

[51]See *The Challenge of Peace*, par. 9.

contraception. Such an approach, in the judgment of Francis Sullivan, has lead many people, once they discover that such teachings are in fact not infallibly taught, to conclude that they need to pay no attention to them at all.[52]

We have already mentioned that the mass media has made it virtually impossible for theologians to keep any of their written opinions and probings from immediate, and often one-sided and incomplete, "coverage." The fact that the latest papal encyclical, episcopal statement or theologians' ideas has on the ordinary Catholic less direct religious impact than an article in the religion section of *Time* or *Newsweek*, or some discussion on the Phil Donohue Show, suggests that theologians and bishops really have no choice but to work more effectively at educating the laity.[53]

According to Richard McCormick, four things should be kept in mind about the process of education during these complex times. First, reality itself is often complex and confusing and it takes time for the Christian community to formulate an adequate response. Second, people need to learn that different times often require different formulations of the same truths, and that some questions that were once perceived as closed in fact are not. Third, the unity so necessary for the Christian community does not require absolute uniformity on the application of moral norms to detailed questions. And fourth, the laity needs to take theologians seriously, but not all that seriously: "If theologians are mistakenly thought to be the ultimate teachers in the Church, they risk losing, besides their freedom to probe and question, their humility."[54]

Not only theologians, but members of the hierarchy as well have reason to be humble. While both of these groups engage themselves in different but complementary ways in the education of the laity, there is a growing awareness among both groups that the laity in fact play an active role in educating theologians and the hierarchy. All official teaching and theological reflection in fact must be founded in the *sensus fidelium*, or the "sense of the faith," possessed by the entire people of God. At the International Synod of Bishops that met in 1980 to discuss the family, Cardinal George Basil Hume stressed the need to consult the laity on matters that have to do with the family. He explained that the prophetic mission of husbands and wives is based on their experience as married people "and on an understanding of the sacrament of marriage of which they can speak with their own authority." Both their experience and their understanding constitute, the Cardinal suggested, "an authentic *fons theologiae* from which we, the pastors, and indeed the whole Church can draw." It is because, the Cardinal continued, married couples are the ministers of the sacrament and "alone have experienced the effects of the sacrament" that they have special authority in matters related to marriage. But it must be remembered that what is sought is the sense of those who are faithful, that is, those who are converted to the Lord. That is why, the Cardinal added, "parents themselves must commit themselves to the action of the Holy Spirit who also teaches them anew through their children." Because of this "*a fortiori* it would seem that pastors should listen to the parents themselves."[55]

From this perspective of the centrality of the *sensus fidelium*, which in a real way along with Scripture is a norm for magisterial teaching, all of us who strive to be faithful, that is, the laity, theologians and the bishops, need to learn to be docile, to be taught by the Lord and to be led by the Spirit. All of us need to undergo continuing conversion and sustain effective conversation[56] so that, among other things, we may speak with confidence about those matters within our competence, even though at times we may find it necessary to disagree in a responsible way with certain teachings not infallibly taught.

[52]Sullivan, 172.

[53]See Raymond Brown's comments, 282.

[54]McCormick, 504-05. A salutary but sobering Gospel truth reveals that it was the learned and the religious leaders who most often had difficulty accepting the person and message of Jesus. As one moral theologian puts it, "Certain truths are best recognized not by those who are learned but by those who are good" (Gallagher, 197). C.S. Lewis spent his whole life in academia and described well one of the greatest dangers of the intellectual life, pride: "The intellectual life is not the only road to God, nor the safest, but we find it to be a road, and it may be the appointed road for us. Of course it will be so only so long as we keep the impulse pure and disinterested. That is the great difficulty. As the author of the *Theologia Germanica* says, we may come to love knowing—*our* knowing—more than the thing known: to delight not in the exercise of our talents but in the fact that they are ours, or even in the reputation they bring us. Every success in the scholar's life increases this danger. If it becomes irresistible, he must give up his scholarly work. The time for plucking out the right eye has arrived" (from an essay entitled "Learning in War Time," in a collection of his essays, *Fern-seed and Elephants* [Collins/Fountain Books, 1977], 34.

[55]G.B. Hume, "Development of Marriage Teaching," *Origins* 10 October 16, 1980): 276; see my article "Papal Infallibility," 63-65.

[56]David Tracy's notion of "conversation" in *The Analogical Imagination* (New York: Crossroads, 1981) offers a rather good model of "docility" (see especially 446-55).

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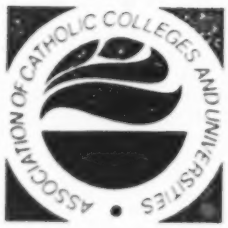

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